

Union Calendar No. 354

106TH CONGRESS
2^D SESSION**H. R. 4576****[Report No. 106-644]**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2000

Mr. LEWIS of California, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2001, for military func-
6 tions administered by the Department of Defense, and for
7 other purposes, namely:

1 TITLE I

2 MILITARY PERSONNEL

3 MILITARY PERSONNEL, ARMY

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the
9 Army on active duty (except members of reserve compo-
10 nents provided for elsewhere), cadets, and aviation cadets;
11 and for payments pursuant to section 156 of Public Law
12 97–377, as amended (42 U.S.C. 402 note), to section
13 229(b) of the Social Security Act (42 U.S.C. 429(b)), and
14 to the Department of Defense Military Retirement Fund,
15 \$22,242,457,000.

16 MILITARY PERSONNEL, NAVY

17 For pay, allowances, individual clothing, subsistence,
18 interest on deposits, gratuities, permanent change of sta-
19 tion travel (including all expenses thereof for organiza-
20 tional movements), and expenses of temporary duty travel
21 between permanent duty stations, for members of the
22 Navy on active duty (except members of the Reserve pro-
23 vided for elsewhere), midshipmen, and aviation cadets; and
24 for payments pursuant to section 156 of Public Law 97–
25 377, as amended (42 U.S.C. 402 note), to section 229(b)

1 of the Social Security Act (42 U.S.C. 429(b)), and to the
2 Department of Defense Military Retirement Fund,
3 \$17,799,297,000.

4 MILITARY PERSONNEL, MARINE CORPS

5 For pay, allowances, individual clothing, subsistence,
6 interest on deposits, gratuities, permanent change of sta-
7 tion travel (including all expenses thereof for organiza-
8 tional movements), and expenses of temporary duty travel
9 between permanent duty stations, for members of the Ma-
10 rine Corps on active duty (except members of the Reserve
11 provided for elsewhere); and for payments pursuant to sec-
12 tion 156 of Public Law 97-377, as amended (42 U.S.C.
13 402 note), to section 229(b) of the Social Security Act
14 (42 U.S.C. 429(b)), and to the Department of Defense
15 Military Retirement Fund, \$6,818,300,000.

16 MILITARY PERSONNEL, AIR FORCE

17 For pay, allowances, individual clothing, subsistence,
18 interest on deposits, gratuities, permanent change of sta-
19 tion travel (including all expenses thereof for organiza-
20 tional movements), and expenses of temporary duty travel
21 between permanent duty stations, for members of the Air
22 Force on active duty (except members of reserve compo-
23 nents provided for elsewhere), cadets, and aviation cadets;
24 and for payments pursuant to section 156 of Public Law
25 97-377, as amended (42 U.S.C. 402 note), to section

1 229(b) of the Social Security Act (42 U.S.C. 429(b)), and
2 to the Department of Defense Military Retirement Fund,
3 \$18,238,234,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Army Re-
7 serve on active duty under sections 10211, 10302, and
8 3038 of title 10, United States Code, or while serving on
9 active duty under section 12301(d) of title 10, United
10 States Code, in connection with performing duty specified
11 in section 12310(a) of title 10, United States Code, or
12 while undergoing reserve training, or while performing
13 drills or equivalent duty or other duty, and for members
14 of the Reserve Officers' Training Corps, and expenses au-
15 thorized by section 16131 of title 10, United States Code;
16 and for payments to the Department of Defense Military
17 Retirement Fund, \$2,463,320,000.

18 RESERVE PERSONNEL, NAVY

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Navy Re-
21 serve on active duty under section 10211 of title 10,
22 United States Code, or while serving on active duty under
23 section 12301(d) of title 10, United States Code, in con-
24 nection with performing duty specified in section 12310(a)
25 of title 10, United States Code, or while undergoing re-

1 serve training, or while performing drills or equivalent
2 duty, and for members of the Reserve Officers' Training
3 Corps, and expenses authorized by section 16131 of title
4 10, United States Code; and for payments to the Depart-
5 ment of Defense Military Retirement Fund,
6 \$1,566,095,000.

7 RESERVE PERSONNEL, MARINE CORPS

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Marine
10 Corps Reserve on active duty under section 10211 of title
11 10, United States Code, or while serving on active duty
12 under section 12301(d) of title 10, United States Code,
13 in connection with performing duty specified in section
14 12310(a) of title 10, United States Code, or while under-
15 going reserve training, or while performing drills or equiv-
16 alent duty, and for members of the Marine Corps platoon
17 leaders class, and expenses authorized by section 16131
18 of title 10, United States Code; and for payments to the
19 Department of Defense Military Retirement Fund,
20 \$440,886,000.

21 RESERVE PERSONNEL, AIR FORCE

22 For pay, allowances, clothing, subsistence, gratuities,
23 travel, and related expenses for personnel of the Air Force
24 Reserve on active duty under sections 10211, 10305, and
25 8038 of title 10, United States Code, or while serving on

1 active duty under section 12301(d) of title 10, United
2 States Code, in connection with performing duty specified
3 in section 12310(a) of title 10, United States Code, or
4 while undergoing reserve training, or while performing
5 drills or equivalent duty or other duty, and for members
6 of the Air Reserve Officers' Training Corps, and expenses
7 authorized by section 16131 of title 10, United States
8 Code; and for payments to the Department of Defense
9 Military Retirement Fund, \$980,610,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For pay, allowances, clothing, subsistence, gratuities,
12 travel, and related expenses for personnel of the Army Na-
13 tional Guard while on duty under section 10211, 10302,
14 or 12402 of title 10 or section 708 of title 32, United
15 States Code, or while serving on duty under section
16 12301(d) of title 10 or section 502(f) of title 32, United
17 States Code, in connection with performing duty specified
18 in section 12310(a) of title 10, United States Code, or
19 while undergoing training, or while performing drills or
20 equivalent duty or other duty, and expenses authorized by
21 section 16131 of title 10, United States Code; and for pay-
22 ments to the Department of Defense Military Retirement
23 Fund, \$3,719,336,000.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Na-
4 tional Guard on duty under section 10211, 10305, or
5 12402 of title 10 or section 708 of title 32, United States
6 Code, or while serving on duty under section 12301(d) of
7 title 10 or section 502(f) of title 32, United States Code,
8 in connection with performing duty specified in section
9 12310(a) of title 10, United States Code, or while under-
10 going training, or while performing drills or equivalent
11 duty or other duty, and expenses authorized by section
12 16131 of title 10, United States Code; and for payments
13 to the Department of Defense Military Retirement Fund,
14 \$1,635,681,000.

15 TITLE II

16 OPERATION AND MAINTENANCE

17 OPERATION AND MAINTENANCE, ARMY

18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance of the Army, as author-
21 ized by law; and not to exceed \$10,616,000 can be used
22 for emergencies and extraordinary expenses, to be ex-
23 pended on the approval or authority of the Secretary of
24 the Army, and payments may be made on his certificate
25 of necessity for confidential military purposes,

1 \$19,386,843,000 and, in addition, \$50,000,000 shall be
2 derived by transfer from the National Defense Stockpile
3 Transaction Fund: *Provided*, That of the funds made
4 available under this heading, \$6,000,000, to remain avail-
5 able until expended, shall be transferred to “National
6 Park Service—Construction” within 30 days of enactment
7 of this Act, only for necessary infrastructure repair im-
8 provements at Fort Baker, under the management of the
9 Golden Gate Recreation Area: *Provided further*, That of
10 the funds appropriated in this paragraph, not less than
11 \$355,000,000 shall be made available only for conven-
12 tional ammunition care and maintenance.

13 OPERATION AND MAINTENANCE, NAVY

14 (INCLUDING TRANSFER OF FUNDS)

15 For expenses, not otherwise provided for, necessary
16 for the operation and maintenance of the Navy and the
17 Marine Corps, as authorized by law; and not to exceed
18 \$5,146,000 can be used for emergencies and extraordinary
19 expenses, to be expended on the approval or authority of
20 the Secretary of the Navy, and payments may be made
21 on his certificate of necessity for confidential military pur-
22 poses, \$23,426,830,000 and, in addition, \$50,000,000
23 shall be derived by transfer from the National Defense
24 Stockpile Transaction Fund.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Marine Corps,
4 as authorized by law, \$2,813,091,000.

5 OPERATION AND MAINTENANCE, AIR FORCE

6 (INCLUDING TRANSFER OF FUNDS)

7 For expenses, not otherwise provided for, necessary
8 for the operation and maintenance of the Air Force, as
9 authorized by law; and not to exceed \$7,878,000 can be
10 used for emergencies and extraordinary expenses, to be ex-
11 pended on the approval or authority of the Secretary of
12 the Air Force, and payments may be made on his certifi-
13 cate of necessity for confidential military purposes,
14 \$22,316,797,000 and, in addition, \$50,000,000, shall be
15 derived by transfer from the National Defense Stockpile
16 Transaction Fund: *Provided*, That notwithstanding any
17 other provision of law, that of the funds available under
18 this heading, \$500,000 shall only be available to the Sec-
19 retary of the Air Force for a grant to Florida Memorial
20 College for the purpose of funding minority aviation train-
21 ing.

22 OPERATION AND MAINTENANCE, DEFENSE-WIDE

23 (INCLUDING TRANSFER OF FUNDS)

24 For expenses, not otherwise provided for, necessary
25 for the operation and maintenance of activities and agen-

1 cies of the Department of Defense (other than the military
2 departments), as authorized by law, \$11,803,743,000, of
3 which not to exceed \$25,000,000 may be available for the
4 CINC initiative fund account; and of which not to exceed
5 \$32,700,000 can be used for emergencies and extraor-
6 dinary expenses, to be expended on the approval or author-
7 ity of the Secretary of Defense, and payments may be
8 made on his certificate of necessity for confidential mili-
9 tary purposes: *Provided*, That of the amount provided
10 under this heading, \$10,000,000, to remain available until
11 expended, is available only for expenses relating to certain
12 classified activities, and may be transferred as necessary
13 by the Secretary of Defense to operation and maintenance,
14 procurement, and research, development, test and evalua-
15 tion appropriations accounts, to be merged with and to
16 be available for the same time period as the appropriations
17 to which transferred: *Provided further*, That the transfer
18 authority provided under this heading is in addition to any
19 other transfer authority provided in this Act: *Provided fur-*
20 *ther*, That of the funds made available under this heading,
21 \$15,000,000 shall be available only for retrofitting secu-
22 rity containers that are under the control of, or that are
23 accessible by, defense contractors.

1 OPERATION AND MAINTENANCE, ARMY RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Army Reserve; re-
5 pair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$1,596,418,000.

9 OPERATION AND MAINTENANCE, NAVY RESERVE

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance, including training, or-
12 ganization, and administration, of the Navy Reserve; re-
13 pair of facilities and equipment; hire of passenger motor
14 vehicles; travel and transportation; care of the dead; re-
15 cruiting; procurement of services, supplies, and equip-
16 ment; and communications, \$992,646,000.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 RESERVE

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance, including training, or-
21 ganization, and administration, of the Marine Corps Re-
22 serve; repair of facilities and equipment; hire of passenger
23 motor vehicles; travel and transportation; care of the dead;
24 recruiting; procurement of services, supplies, and equip-
25 ment; and communications, \$145,959,000.

1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Air Force Reserve;
5 repair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$1,921,659,000.

9 OPERATION AND MAINTENANCE, ARMY NATIONAL

10 GUARD

11 For expenses of training, organizing, and admin-
12 istering the Army National Guard, including medical and
13 hospital treatment and related expenses in non-Federal
14 hospitals; maintenance, operation, and repairs to struc-
15 tures and facilities; hire of passenger motor vehicles; per-
16 sonnel services in the National Guard Bureau; travel ex-
17 penses (other than mileage), as authorized by law for
18 Army personnel on active duty, for Army National Guard
19 division, regimental, and battalion commanders while in-
20 specting units in compliance with National Guard Bureau
21 regulations when specifically authorized by the Chief, Na-
22 tional Guard Bureau; supplying and equipping the Army
23 National Guard as authorized by law; and expenses of re-
24 pair, modification, maintenance, and issue of supplies and
25 equipment (including aircraft), \$3,263,235,000.

1 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

2 For operation and maintenance of the Air National
3 Guard, including medical and hospital treatment and re-
4 lated expenses in non-Federal hospitals; maintenance, op-
5 eration, repair, and other necessary expenses of facilities
6 for the training and administration of the Air National
7 Guard, including repair of facilities, maintenance, oper-
8 ation, and modification of aircraft; transportation of
9 things, hire of passenger motor vehicles; supplies, mate-
10 rials, and equipment, as authorized by law for the Air Na-
11 tional Guard; and expenses incident to the maintenance
12 and use of supplies, materials, and equipment, including
13 such as may be furnished from stocks under the control
14 of agencies of the Department of Defense; travel expenses
15 (other than mileage) on the same basis as authorized by
16 law for Air National Guard personnel on active Federal
17 duty, for Air National Guard commanders while inspecting
18 units in compliance with National Guard Bureau regula-
19 tions when specifically authorized by the Chief, National
20 Guard Bureau, \$3,480,375,000.

21 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For expenses directly relating to Overseas Contin-
24 gency Operations by United States military forces,
25 \$4,100,577,000, to remain available until expended: *Pro-*

1 *vided*, That the Secretary of Defense may transfer these
 2 funds only to military personnel accounts; operation and
 3 maintenance accounts within this title; the Defense Health
 4 Program appropriation; procurement accounts; research,
 5 development, test and evaluation accounts; and to working
 6 capital funds: *Provided further*, That the funds transferred
 7 shall be merged with and shall be available for the same
 8 purposes and for the same time period, as the appropria-
 9 tion to which transferred: *Provided further*, That upon a
 10 determination that all or part of the funds transferred
 11 from this appropriation are not necessary for the purposes
 12 provided herein, such amounts may be transferred back
 13 to this appropriation: *Provided further*, That the transfer
 14 authority provided in this paragraph is in addition to any
 15 other transfer authority contained elsewhere in this Act.

16 UNITED STATES COURT OF APPEALS FOR THE ARMED
 17 FORCES

18 For salaries and expenses necessary for the United
 19 States Court of Appeals for the Armed Forces,
 20 \$8,574,000, of which not to exceed \$2,500 can be used
 21 for official representation purposes.

22 ENVIRONMENTAL RESTORATION, ARMY
 23 (INCLUDING TRANSFER OF FUNDS)

24 For the Department of the Army, \$389,932,000, to
 25 remain available until transferred: *Provided*, That the Sec-

1 retary of the Army shall, upon determining that such
2 funds are required for environmental restoration, reduc-
3 tion and recycling of hazardous waste, removal of unsafe
4 buildings and debris of the Department of the Army, or
5 for similar purposes, transfer the funds made available by
6 this appropriation to other appropriations made available
7 to the Department of the Army, to be merged with and
8 to be available for the same purposes and for the same
9 time period as the appropriations to which transferred:
10 *Provided further*, That upon a determination that all or
11 part of the funds transferred from this appropriation are
12 not necessary for the purposes provided herein, such
13 amounts may be transferred back to this appropriation.

14 ENVIRONMENTAL RESTORATION, NAVY

15 (INCLUDING TRANSFER OF FUNDS)

16 For the Department of the Navy, \$294,038,000, to
17 remain available until transferred: *Provided*, That the Sec-
18 retary of the Navy shall, upon determining that such
19 funds are required for environmental restoration, reduc-
20 tion and recycling of hazardous waste, removal of unsafe
21 buildings and debris of the Department of the Navy, or
22 for similar purposes, transfer the funds made available by
23 this appropriation to other appropriations made available
24 to the Department of the Navy, to be merged with and
25 to be available for the same purposes and for the same

1 time period as the appropriations to which transferred:
2 *Provided further*, That upon a determination that all or
3 part of the funds transferred from this appropriation are
4 not necessary for the purposes provided herein, such
5 amounts may be transferred back to this appropriation.

6 ENVIRONMENTAL RESTORATION, AIR FORCE

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of the Air Force, \$376,300,000,
9 to remain available until transferred: *Provided*, That the
10 Secretary of the Air Force shall, upon determining that
11 such funds are required for environmental restoration, re-
12 duction and recycling of hazardous waste, removal of un-
13 safe buildings and debris of the Department of the Air
14 Force, or for similar purposes, transfer the funds made
15 available by this appropriation to other appropriations
16 made available to the Department of the Air Force, to be
17 merged with and to be available for the same purposes
18 and for the same time period as the appropriations to
19 which transferred: *Provided further*, That upon a deter-
20 mination that all or part of the funds transferred from
21 this appropriation are not necessary for the purposes pro-
22 vided herein, such amounts may be transferred back to
23 this appropriation.

1 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of Defense, \$23,412,000, to re-
4 main available until transferred: *Provided*, That the Sec-
5 retary of Defense shall, upon determining that such funds
6 are required for environmental restoration, reduction and
7 recycling of hazardous waste, removal of unsafe buildings
8 and debris of the Department of Defense, or for similar
9 purposes, transfer the funds made available by this appro-
10 priation to other appropriations made available to the De-
11 partment of Defense, to be merged with and to be avail-
12 able for the same purposes and for the same time period
13 as the appropriations to which transferred: *Provided fur-*
14 *ther*, That upon a determination that all or part of the
15 funds transferred from this appropriation are not nec-
16 essary for the purposes provided herein, such amounts
17 may be transferred back to this appropriation.

18 ENVIRONMENTAL RESTORATION, FORMERLY USED

19 DEFENSE SITES

20 (INCLUDING TRANSFER OF FUNDS)

21 For the Department of the Army, \$196,499,000, to
22 remain available until transferred: *Provided*, That the Sec-
23 retary of the Army shall, upon determining that such
24 funds are required for environmental restoration, reduc-
25 tion and recycling of hazardous waste, removal of unsafe

1 buildings and debris at sites formerly used by the Depart-
2 ment of Defense, transfer the funds made available by this
3 appropriation to other appropriations made available to
4 the Department of the Army, to be merged with and to
5 be available for the same purposes and for the same time
6 period as the appropriations to which transferred: *Pro-*
7 *vided further*, That upon a determination that all or part
8 of the funds transferred from this appropriation are not
9 necessary for the purposes provided herein, such amounts
10 may be transferred back to this appropriation.

11 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

12 For expenses relating to the Overseas Humanitarian,
13 Disaster, and Civic Aid programs of the Department of
14 Defense (consisting of the programs provided under sec-
15 tions 401, 402, 404, 2547, and 2551 of title 10, United
16 States Code), \$56,900,000, to remain available until Sep-
17 tember 30, 2002.

18 FORMER SOVIET UNION THREAT REDUCTION

19 For assistance to the republics of the former Soviet
20 Union, including assistance provided by contract or by
21 grants, for facilitating the elimination and the safe and
22 secure transportation and storage of nuclear, chemical and
23 other weapons; for establishing programs to prevent the
24 proliferation of weapons, weapons components, and weap-
25 on-related technology and expertise; for programs relating

1 to the training and support of defense and military per-
2 sonnel for demilitarization and protection of weapons,
3 weapons components and weapons technology and exper-
4 tise, \$433,400,000, to remain available until September
5 30, 2003.

6 QUALITY OF LIFE ENHANCEMENTS, DEFENSE

7 For expenses, not otherwise provided for, resulting
8 from unfunded shortfalls in the repair and maintenance
9 of real property of the Department of Defense (including
10 military housing and barracks), \$480,000,000, for the
11 maintenance of real property of the Department of De-
12 fense (including minor construction and major mainte-
13 nance and repair), which shall remain available for obliga-
14 tion until September 30, 2002, as follows:

15 Army, \$282,500,000;

16 Navy, \$70,000,000;

17 Marine Corps, \$47,000,000;

18 Air Force, \$70,000,000; and

19 Defense-Wide, \$10,500,000:

20 *Provided*, That notwithstanding any other provision of
21 law, of the funds appropriated under this heading for De-
22 fense-Wide activities, the entire amount shall only be
23 available for grants by the Secretary of Defense to local
24 educational authorities which maintain primary and sec-
25 ondary educational facilities located within Department of

1 Defense installations, and which are used primarily by De-
2 partment of Defense military and civilian dependents, for
3 facility repairs and improvements to such educational fa-
4 cilities: *Provided further*, That such grants to local edu-
5 cational authorities may be made for repairs and improve-
6 ments to such educational facilities as required to meet
7 classroom size requirements: *Provided further*, That the
8 cumulative amount of any grant or grants to any single
9 local education authority provided pursuant to the provi-
10 sions under this heading shall not exceed \$1,500,000.

11 TITLE III

12 PROCUREMENT

13 AIRCRAFT PROCUREMENT, ARMY

14 For construction, procurement, production, modifica-
15 tion, and modernization of aircraft, equipment, including
16 ordnance, ground handling equipment, spare parts, and
17 accessories therefor; specialized equipment and training
18 devices; expansion of public and private plants, including
19 the land necessary therefor, for the foregoing purposes,
20 and such lands and interests therein, may be acquired,
21 and construction prosecuted thereon prior to approval of
22 title; and procurement and installation of equipment, ap-
23 pliances, and machine tools in public and private plants;
24 reserve plant and Government and contractor-owned
25 equipment layaway; and other expenses necessary for the

1 foregoing purposes, \$1,547,082,000, to remain available
2 for obligation until September 30, 2003: *Provided*, That
3 of the \$183,371,000 appropriated under this heading for
4 the procurement of UH-60 helicopters, \$78,520,000 shall
5 be available only for the procurement of 8 such aircraft
6 to be provided to the Army Reserve.

7 MISSILE PROCUREMENT, ARMY

8 For construction, procurement, production, modifica-
9 tion, and modernization of missiles, equipment, including
10 ordnance, ground handling equipment, spare parts, and
11 accessories therefor; specialized equipment and training
12 devices; expansion of public and private plants, including
13 the land necessary therefor, for the foregoing purposes,
14 and such lands and interests therein, may be acquired,
15 and construction prosecuted thereon prior to approval of
16 title; and procurement and installation of equipment, ap-
17 pliances, and machine tools in public and private plants;
18 reserve plant and Government and contractor-owned
19 equipment layaway; and other expenses necessary for the
20 foregoing purposes, \$1,240,347,000, to remain available
21 for obligation until September 30, 2003.

22 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
23 VEHICLES, ARMY

24 For construction, procurement, production, and
25 modification of weapons and tracked combat vehicles,

1 equipment, including ordnance, spare parts, and acces-
2 sories therefor; specialized equipment and training devices;
3 expansion of public and private plants, including the land
4 necessary therefor, for the foregoing purposes, and such
5 lands and interests therein, may be acquired, and con-
6 struction prosecuted thereon prior to approval of title; and
7 procurement and installation of equipment, appliances,
8 and machine tools in public and private plants; reserve
9 plant and Government and contractor-owned equipment
10 layaway; and other expenses necessary for the foregoing
11 purposes, \$2,634,786,000, to remain available for obliga-
12 tion until September 30, 2003.

13 PROCUREMENT OF AMMUNITION, ARMY

14 For construction, procurement, production, and
15 modification of ammunition, and accessories therefor; spe-
16 cialized equipment and training devices; expansion of pub-
17 lic and private plants, including ammunition facilities au-
18 thorized by section 2854 of title 10, United States Code,
19 and the land necessary therefor, for the foregoing pur-
20 poses, and such lands and interests therein, may be ac-
21 quired, and construction prosecuted thereon prior to ap-
22 proval of title; and procurement and installation of equip-
23 ment, appliances, and machine tools in public and private
24 plants; reserve plant and Government and contractor-
25 owned equipment layaway; and other expenses necessary

1 for the foregoing purposes, \$1,227,386,000, to remain
2 available for obligation until September 30, 2003.

3 OTHER PROCUREMENT, ARMY

4 For construction, procurement, production, and
5 modification of vehicles, including tactical, support, and
6 non-tracked combat vehicles; the purchase of not to exceed
7 35 passenger motor vehicles for replacement only; and the
8 purchase of 12 vehicles required for physical security of
9 personnel, notwithstanding price limitations applicable to
10 passenger vehicles but not to exceed \$200,000 per vehicle;
11 communications and electronic equipment; other support
12 equipment; spare parts, ordnance, and accessories there-
13 for; specialized equipment and training devices; expansion
14 of public and private plants, including the land necessary
15 therefor, for the foregoing purposes, and such lands and
16 interests therein, may be acquired, and construction pros-
17 ecuted thereon prior to approval of title; and procurement
18 and installation of equipment, appliances, and machine
19 tools in public and private plants; reserve plant and Gov-
20 ernment and contractor-owned equipment layaway; and
21 other expenses necessary for the foregoing purposes,
22 \$4,254,564,000, to remain available for obligation until
23 September 30, 2003.

1 AIRCRAFT PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-
3 tion, and modernization of aircraft, equipment, including
4 ordnance, spare parts, and accessories therefor; specialized
5 equipment; expansion of public and private plants, includ-
6 ing the land necessary therefor, and such lands and inter-
7 ests therein, may be acquired, and construction prosecuted
8 thereon prior to approval of title; and procurement and
9 installation of equipment, appliances, and machine tools
10 in public and private plants; reserve plant and Govern-
11 ment and contractor-owned equipment layaway,
12 \$8,179,564,000, to remain available for obligation until
13 September 30, 2003.

14 WEAPONS PROCUREMENT, NAVY

15 For construction, procurement, production, modifica-
16 tion, and modernization of missiles, torpedoes, other weap-
17 ons, and related support equipment including spare parts,
18 and accessories therefor; expansion of public and private
19 plants, including the land necessary therefor, and such
20 lands and interests therein, may be acquired, and con-
21 struction prosecuted thereon prior to approval of title; and
22 procurement and installation of equipment, appliances,
23 and machine tools in public and private plants; reserve
24 plant and Government and contractor-owned equipment

5 For construction, procurement, production, and
6 modification of ammunition, and accessories therefor; spe-
7 cialized equipment and training devices; expansion of pub-
8 lic and private plants, including ammunition facilities au-
9 thorized by section 2854 of title 10, United States Code,
10 and the land necessary therefor, for the foregoing pur-
11 poses, and such lands and interests therein, may be ac-
12 quired, and construction prosecuted thereon prior to ap-
13 proval of title; and procurement and installation of equip-
14 ment, appliances, and machine tools in public and private
15 plants; reserve plant and Government and contractor-
16 owned equipment layaway; and other expenses necessary
17 for the foregoing purposes, \$491,749,000, to remain avail-
18 able for obligation until September 30, 2003.

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical,

1 long leadtime components and designs for vessels to be
2 constructed or converted in the future; and expansion of
3 public and private plants, including land necessary there-
4 for, and such lands and interests therein, may be acquired,
5 and construction prosecuted thereon prior to approval of
6 title, \$12,266,919,000, to remain available for obligation
7 until September 30, 2005: *Provided*, That additional obli-
8 gations may be incurred after September 30, 2005, for
9 engineering services, tests, evaluations, and other such
10 budgeted work that must be performed in the final stage
11 of ship construction: *Provided further*, That none of the
12 funds provided under this heading for the construction or
13 conversion of any naval vessel to be constructed in ship-
14 yards in the United States shall be expended in foreign
15 facilities for the construction of major components of such
16 vessel: *Provided further*, That none of the funds provided
17 under this heading shall be used for the construction of
18 any naval vessel in foreign shipyards.

19 OTHER PROCUREMENT, NAVY

20 For procurement, production, and modernization of
21 support equipment and materials not otherwise provided
22 for, Navy ordnance (except ordnance for new aircraft, new
23 ships, and ships authorized for conversion); the purchase
24 of not to exceed 63 passenger motor vehicles for replace-
25 ment only, and the purchase of one vehicle required for

1 physical security of personnel, notwithstanding price limi-
2 tations applicable to passenger vehicles but not to exceed
3 \$200,000; expansion of public and private plants, includ-
4 ing the land necessary therefor, and such lands and inter-
5 ests therein, may be acquired, and construction prosecuted
6 thereon prior to approval of title; and procurement and
7 installation of equipment, appliances, and machine tools
8 in public and private plants; reserve plant and Govern-
9 ment and contractor-owned equipment layaway,
10 \$3,433,063,000, to remain available for obligation until
11 September 30, 2003.

12 PROCUREMENT, MARINE CORPS

13 For expenses necessary for the procurement, manu-
14 facture, and modification of missiles, armament, military
15 equipment, spare parts, and accessories therefor; plant
16 equipment, appliances, and machine tools, and installation
17 thereof in public and private plants; reserve plant and
18 Government and contractor-owned equipment layaway; ve-
19 hicles for the Marine Corps, including the purchase of not
20 to exceed 33 passenger motor vehicles for replacement
21 only; and expansion of public and private plants, including
22 land necessary therefor, and such lands and interests
23 therein, may be acquired, and construction prosecuted
24 thereon prior to approval of title, \$1,229,605,000, to re-
25 main available for obligation until September 30, 2003.

1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For construction, procurement, lease, and modifica-
3 tion of aircraft and equipment, including armor and arma-
4 ment, specialized ground handling equipment, and train-
5 ing devices, spare parts, and accessories therefor; special-
6 ized equipment; expansion of public and private plants,
7 Government-owned equipment and installation thereof in
8 such plants, erection of structures, and acquisition of land,
9 for the foregoing purposes, and such lands and interests
10 therein, may be acquired, and construction prosecuted
11 thereon prior to approval of title; reserve plant and Gov-
12 ernment and contractor-owned equipment layaway; and
13 other expenses necessary for the foregoing purposes in-
14 cluding rents and transportation of things,
15 \$10,064,032,000, to remain available for obligation until
16 September 30, 2003.

17 MISSILE PROCUREMENT, AIR FORCE

18 For construction, procurement, and modification of
19 missiles, spacecraft, rockets, and related equipment, in-
20 cluding spare parts and accessories therefor, ground han-
21 dling equipment, and training devices; expansion of public
22 and private plants, Government-owned equipment and in-
23 stallation thereof in such plants, erection of structures,
24 and acquisition of land, for the foregoing purposes, and
25 such lands and interests therein, may be acquired, and

1 construction prosecuted thereon prior to approval of title;
2 reserve plant and Government and contractor-owned
3 equipment layaway; and other expenses necessary for the
4 foregoing purposes including rents and transportation of
5 things, \$2,893,529,000, to remain available for obligation
6 until September 30, 2003.

7 PROCUREMENT OF AMMUNITION, AIR FORCE

8 For construction, procurement, production, and
9 modification of ammunition, and accessories therefor; spe-
10 cialized equipment and training devices; expansion of pub-
11 lic and private plants, including ammunition facilities au-
12 thorized by section 2854 of title 10, United States Code,
13 and the land necessary therefor, for the foregoing pur-
14 poses, and such lands and interests therein, may be ac-
15 quired, and construction prosecuted thereon prior to ap-
16 proval of title; and procurement and installation of equip-
17 ment, appliances, and machine tools in public and private
18 plants; reserve plant and Government and contractor-
19 owned equipment layaway; and other expenses necessary
20 for the foregoing purposes, \$638,808,000, to remain avail-
21 able for obligation until September 30, 2003.

22 OTHER PROCUREMENT, AIR FORCE

23 For procurement and modification of equipment (in-
24 cluding ground guidance and electronic control equipment,
25 and ground electronic and communication equipment),

1 and supplies, materials, and spare parts therefor, not oth-
2 erwise provided for; the purchase of not to exceed 173 pas-
3 senger motor vehicles for replacement only, and the pur-
4 chase of one vehicle required for physical security of per-
5 sonnel, notwithstanding price limitations applicable to pas-
6 senger vehicles but not to exceed \$230,000; lease of pas-
7 senger motor vehicles; and expansion of public and private
8 plants, Government-owned equipment and installation
9 thereof in such plants, erection of structures, and acquisi-
10 tion of land, for the foregoing purposes, and such lands
11 and interests therein, may be acquired, and construction
12 prosecuted thereon, prior to approval of title; reserve plant
13 and Government and contractor-owned equipment lay-
14 away, \$7,778,997,000, to remain available for obligation
15 until September 30, 2003.

16 PROCUREMENT, DEFENSE-WIDE

17 For expenses of activities and agencies of the Depart-
18 ment of Defense (other than the military departments)
19 necessary for procurement, production, and modification
20 of equipment, supplies, materials, and spare parts there-
21 for, not otherwise provided for; the purchase of not to ex-
22 ceed 115 passenger motor vehicles for replacement only;
23 the purchase of 10 vehicles required for physical security
24 of personnel, notwithstanding price limitations applicable
25 to passenger vehicles but not to exceed \$250,000 per vehi-

1 cle; expansion of public and private plants, equipment, and
2 installation thereof in such plants, erection of structures,
3 and acquisition of land for the foregoing purposes, and
4 such lands and interests therein, may be acquired, and
5 construction prosecuted thereon prior to approval of title;
6 reserve plant and Government and contractor-owned
7 equipment layaway, \$2,303,136,000, to remain available
8 for obligation until September 30, 2003.

9 DEFENSE PRODUCTION ACT PURCHASES

10 For activities by the Department of Defense pursuant
11 to sections 108, 301, 302, and 303 of the Defense Produc-
12 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
13 2093), \$3,000,000 only for microwave power tubes and
14 to remain available until expended.

15 TITLE IV

16 RESEARCH, DEVELOPMENT, TEST AND
17 EVALUATION

18 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

19 ARMY

20 For expenses necessary for basic and applied sci-
21 entific research, development, test and evaluation, includ-
22 ing maintenance, rehabilitation, lease, and operation of fa-
23 cilities and equipment, \$6,025,057,000, to remain avail-
24 able for obligation until September 30, 2002.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, \$9,222,927,000, to remain avail-
7 able for obligation until September 30, 2002: *Provided*,
8 That funds appropriated in this paragraph which are
9 available for the V-22 may be used to meet unique re-
10 quirements of the Special Operation Forces.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 AIR FORCE

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$13,760,689,000, to remain avail-
17 able for obligation until September 30, 2002: *Provided*,
18 That none of the funds in this Act may be used to develop
19 an ejection seat for the Joint Strike Fighter other than
20 those developed under the Joint Ejection Seat Program.

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
22 DEFENSE-WIDE

23 For expenses of activities and agencies of the Depart-
24 ment of Defense (other than the military departments),
25 necessary for basic and applied scientific research, devel-

1 opment, test and evaluation; advanced research projects
2 as may be designated and determined by the Secretary
3 of Defense, pursuant to law; maintenance, rehabilitation,
4 lease, and operation of facilities and equipment,
5 \$10,918,997,000, to remain available for obligation until
6 September 30, 2002.

7 OPERATIONAL TEST AND EVALUATION, DEFENSE

8 For expenses, not otherwise provided for, necessary
9 for the independent activities of the Director, Operational
10 Test and Evaluation in the direction and supervision of
11 operational test and evaluation, including initial oper-
12 ational test and evaluation which is conducted prior to,
13 and in support of, production decisions; joint operational
14 testing and evaluation; policy and guidance for the De-
15 partment's overall test and evaluation functions; test and
16 evaluation infrastructure investment and oversight; spe-
17 cialized assessment capabilities; and administrative ex-
18 penses in connection therewith, \$242,560,000, to remain
19 available for obligation until September 30, 2002.

20 TITLE V

21 REVOLVING AND MANAGEMENT FUNDS

22 DEFENSE WORKING CAPITAL FUNDS

23 For the Defense Working Capital Funds,
24 \$916,276,000: *Provided*, That during fiscal year 2001,
25 funds in the Defense Working Capital Funds may be used

1 for the purchase of not to exceed 330 passenger carrying
2 motor vehicles for replacement only for the Defense Secu-
3 rity Service.

4 NATIONAL DEFENSE SEALIFT FUND

5 For National Defense Sealift Fund programs,
6 projects, and activities, and for expenses of the National
7 Defense Reserve Fleet, as established by section 11 of the
8 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
9 \$400,658,000, to remain available until expended: *Pro-*
10 *vided*, That none of the funds provided in this paragraph
11 shall be used to award a new contract that provides for
12 the acquisition of any of the following major components
13 unless such components are manufactured in the United
14 States: auxiliary equipment, including pumps, for all ship-
15 board services; propulsion system components (that is; en-
16 gines, reduction gears, and propellers); shipboard cranes;
17 and spreaders for shipboard cranes: *Provided further*, That
18 the exercise of an option in a contract awarded through
19 the obligation of previously appropriated funds shall not
20 be considered to be the award of a new contract: *Provided*
21 *further*, That the Secretary of the military department re-
22 sponsible for such procurement may waive the restrictions
23 in the first proviso on a case-by-case basis by certifying
24 in writing to the Committees on Appropriations of the
25 House of Representatives and the Senate that adequate

1 domestic supplies are not available to meet Department
2 of Defense requirements on a timely basis and that such
3 an acquisition must be made in order to acquire capability
4 for national security purposes.

5 TITLE VI
6 OTHER DEPARTMENT OF DEFENSE PROGRAMS
7 DEFENSE HEALTH PROGRAM

8 For expenses, not otherwise provided for, for medical
9 and health care programs of the Department of Defense,
10 as authorized by law, \$12,143,029,000, of which
11 \$11,525,143,000 shall be for Operation and maintenance,
12 of which not to exceed 2 percent shall remain available
13 until September 30, 2002; of which \$290,006,000, to re-
14 main available for obligation until September 30, 2003,
15 shall be for Procurement; of which \$327,880,000, to re-
16 main available for obligation until September 30, 2002,
17 shall be for Research, development, test and evaluation,
18 and of which \$10,000,000 shall be available for HIV pre-
19 vention educational activities undertaken in connection
20 with U.S. military training, exercises, and humanitarian
21 assistance activities conducted in African nations.

22 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
23 ARMY

24 For expenses, not otherwise provided for, necessary
25 for the destruction of the United States stockpile of lethal

1 chemical agents and munitions in accordance with the pro-
2 visions of section 1412 of the Department of Defense Au-
3 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
4 struction of other chemical warfare materials that are not
5 in the chemical weapon stockpile, \$927,100,000, of which
6 \$607,200,000 shall be for Operation and maintenance to
7 remain available until September 30, 2002, \$105,700,000
8 shall be for Procurement to remain available until Sep-
9 tember 30, 2003, and \$214,200,000 shall be for Research,
10 development, test and evaluation to remain available until
11 September 30, 2002: *Provided*, That of the funds available
12 under this heading, \$1,000,000 shall be available until ex-
13 pended each year only for a Johnston Atoll off-island leave
14 program: *Provided further*, That the Secretaries concerned
15 shall, pursuant to uniform regulations, prescribe travel
16 and transportation allowances for travel by participants
17 in the off-island leave program.

18 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

19 DEFENSE

20 (INCLUDING TRANSFER OF FUNDS)

21 For drug interdiction and counter-drug activities of
22 the Department of Defense, for transfer to appropriations
23 available to the Department of Defense for military per-
24 sonnel of the reserve components serving under the provi-
25 sions of title 10 and title 32, United States Code; for Op-

1 eration and maintenance; for Procurement; and for Re-
2 search, development, test and evaluation, \$812,200,000:
3 *Provided*, That the funds appropriated under this heading
4 shall be available for obligation for the same time period
5 and for the same purpose as the appropriation to which
6 transferred: *Provided further*, That the transfer authority
7 provided under this heading is in addition to any other
8 transfer authority contained elsewhere in this Act.

9 OFFICE OF THE INSPECTOR GENERAL

10 For expenses and activities of the Office of the In-
11 spector General in carrying out the provisions of the In-
12 spector General Act of 1978, as amended, \$147,545,000,
13 of which \$144,245,000 shall be for Operation and mainte-
14 nance, of which not to exceed \$700,000 is available for
15 emergencies and extraordinary expenses to be expended on
16 the approval or authority of the Inspector General, and
17 payments may be made on the Inspector General's certifi-
18 cate of necessity for confidential military purposes; and
19 of which \$3,300,000 to remain available until September
20 30, 2003, shall be for Procurement.

1 TITLE VII
2 RELATED AGENCIES
3 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
4 DISABILITY SYSTEM FUND

5 For payment to the Central Intelligence Agency Re-
6 tirement and Disability System Fund, to maintain proper
7 funding level for continuing the operation of the Central
8 Intelligence Agency Retirement and Disability System,
9 \$216,000,000.

10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT
11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses of the Intelligence Commu-
13 nity Management Account, \$224,181,000, of which
14 \$22,577,000 for the Advanced Research and Development
15 Committee shall remain available until September 30,
16 2002: *Provided*, That of the funds appropriated under this
17 heading, \$33,100,000 shall be transferred to the Depart-
18 ment of Justice for the National Drug Intelligence Center
19 to support the Department of Defense's counter-drug in-
20 telligence responsibilities, and of the said amount,
21 \$1,500,000 for Procurement shall remain available until
22 September 30, 2003, and \$1,000,000 for Research, devel-
23 opment, test and evaluation shall remain available until
24 September 30, 2002.

1 PAYMENT TO KAHO'OLAWA ISLAND CONVEYANCE, RE-
2 MEDIATION, AND ENVIRONMENTAL RESTORATION
3 FUND

4 For payment to Kaho'olawe Island Conveyance, Re-
5 mediation, and Environmental Restoration Fund, as au-
6 thorized by law, \$25,000,000, to remain available until ex-
7 pended.

8 NATIONAL SECURITY EDUCATION TRUST FUND

9 For the purposes of title VIII of Public Law 102-
10 183, \$6,950,000, to be derived from the National Security
11 Education Trust Fund, to remain available until ex-
12 pended.

13 TITLE VIII

14 GENERAL PROVISIONS

15 SEC. 8001. No part of any appropriation contained
16 in this Act shall be used for publicity or propaganda pur-
17 poses not authorized by the Congress.

18 SEC. 8002. During the current fiscal year, provisions
19 of law prohibiting the payment of compensation to, or em-
20 ployment of, any person not a citizen of the United States
21 shall not apply to personnel of the Department of Defense:
22 *Provided*, That salary increases granted to direct and indi-
23 rect hire foreign national employees of the Department of
24 Defense funded by this Act shall not be at a rate in excess
25 of the percentage increase authorized by law for civilian

1 employees of the Department of Defense whose pay is
2 computed under the provisions of section 5332 of title 5,
3 United States Code, or at a rate in excess of the percent-
4 age increase provided by the appropriate host nation to
5 its own employees, whichever is higher: *Provided further*,
6 That this section shall not apply to Department of De-
7 fense foreign service national employees serving at United
8 States diplomatic missions whose pay is set by the Depart-
9 ment of State under the Foreign Service Act of 1980: *Pro-*
10 *vided further*, That the limitations of this provision shall
11 not apply to foreign national employees of the Department
12 of Defense in the Republic of Turkey.

13 SEC. 8003. No part of any appropriation contained
14 in this Act shall remain available for obligation beyond
15 the current fiscal year, unless expressly so provided herein.

16 SEC. 8004. No more than 20 percent of the appro-
17 priations in this Act which are limited for obligation dur-
18 ing the current fiscal year shall be obligated during the
19 last 2 months of the fiscal year: *Provided*, That this sec-
20 tion shall not apply to obligations for support of active
21 duty training of reserve components or summer camp
22 training of the Reserve Officers' Training Corps.

23 (TRANSFER OF FUNDS)

24 SEC. 8005. Upon determination by the Secretary of
25 Defense that such action is necessary in the national inter-
26 est, he may, with the approval of the Office of Manage-

1 ment and Budget, transfer not to exceed \$2,000,000,000
2 of working capital funds of the Department of Defense
3 or funds made available in this Act to the Department
4 of Defense for military functions (except military con-
5 struction) between such appropriations or funds or any
6 subdivision thereof, to be merged with and to be available
7 for the same purposes, and for the same time period, as
8 the appropriation or fund to which transferred: *Provided*,
9 That such authority to transfer may not be used unless
10 for higher priority items, based on unforeseen military re-
11 quirements, than those for which originally appropriated
12 and in no case where the item for which funds are re-
13 quested has been denied by the Congress: *Provided further*,
14 That the Secretary of Defense shall notify the Congress
15 promptly of all transfers made pursuant to this authority
16 or any other authority in this Act: *Provided further*, That
17 no part of the funds in this Act shall be available to pre-
18 pare or present a request to the Committees on Appropria-
19 tions for reprogramming of funds, unless for higher pri-
20 ority items, based on unforeseen military requirements,
21 than those for which originally appropriated and in no
22 case where the item for which reprogramming is requested
23 has been denied by the Congress.

24 (TRANSFER OF FUNDS)

25 SEC. 8006. During the current fiscal year, cash bal-
26 ances in working capital funds of the Department of De-

1 fense established pursuant to section 2208 of title 10,
2 United States Code, may be maintained in only such
3 amounts as are necessary at any time for cash disburse-
4 ments to be made from such funds: *Provided*, That trans-
5 fers may be made between such funds: *Provided further*,
6 That transfers may be made between working capital
7 funds and the “Foreign Currency Fluctuations, Defense”
8 appropriation and the “Operation and Maintenance” ap-
9 propriation accounts in such amounts as may be deter-
10 mined by the Secretary of Defense, with the approval of
11 the Office of Management and Budget, except that such
12 transfers may not be made unless the Secretary of Defense
13 has notified the Congress of the proposed transfer. Except
14 in amounts equal to the amounts appropriated to working
15 capital funds in this Act, no obligations may be made
16 against a working capital fund to procure or increase the
17 value of war reserve material inventory, unless the Sec-
18 retary of Defense has notified the Congress prior to any
19 such obligation.

20 SEC. 8007. Funds appropriated by this Act may not
21 be used to initiate a special access program without prior
22 notification 30 calendar days in session in advance to the
23 congressional defense committees.

24 SEC. 8008. None of the funds provided in this Act
25 shall be available to initiate: (1) a multiyear contract that

1 employs economic order quantity procurement in excess of
2 \$20,000,000 in any 1 year of the contract or that includes
3 an unfunded contingent liability in excess of \$20,000,000;
4 or (2) a contract for advance procurement leading to a
5 multiyear contract that employs economic order quantity
6 procurement in excess of \$20,000,000 in any 1 year, un-
7 less the congressional defense committees have been noti-
8 fied at least 30 days in advance of the proposed contract
9 award: *Provided*, That no part of any appropriation con-
10 tained in this Act shall be available to initiate a multiyear
11 contract for which the economic order quantity advance
12 procurement is not funded at least to the limits of the
13 Government's liability: *Provided further*, That no part of
14 any appropriation contained in this Act shall be available
15 to initiate multiyear procurement contracts for any sys-
16 tems or component thereof if the value of the multiyear
17 contract would exceed \$500,000,000 unless specifically
18 provided in this Act: *Provided further*, That no multiyear
19 procurement contract can be terminated without 10-day
20 prior notification to the congressional defense committees:
21 *Provided further*, That the execution of multiyear author-
22 ity shall require the use of a present value analysis to de-
23 termine lowest cost compared to an annual procurement.
24 Funds appropriated in title III of this Act may be
25 used for multiyear procurement contracts as follows:

1 M2A3 Bradley fighting vehicle; DDG-51 de-
2 stroyer; and UH-60/CH-60 aircraft.

3 SEC. 8009. Within the funds appropriated for the op-
4 eration and maintenance of the Armed Forces, funds are
5 hereby appropriated pursuant to section 401 of title 10,
6 United States Code, for humanitarian and civic assistance
7 costs under chapter 20 of title 10, United States Code.
8 Such funds may also be obligated for humanitarian and
9 civic assistance costs incidental to authorized operations
10 and pursuant to authority granted in section 401 of chap-
11 ter 20 of title 10, United States Code, and these obliga-
12 tions shall be reported to the Congress on September 30
13 of each year: *Provided*, That funds available for operation
14 and maintenance shall be available for providing humani-
15 tarian and similar assistance by using Civic Action Teams
16 in the Trust Territories of the Pacific Islands and freely
17 associated states of Micronesia, pursuant to the Compact
18 of Free Association as authorized by Public Law 99-239:
19 *Provided further*, That upon a determination by the Sec-
20 retary of the Army that such action is beneficial for grad-
21 uate medical education programs conducted at Army med-
22 ical facilities located in Hawaii, the Secretary of the Army
23 may authorize the provision of medical services at such
24 facilities and transportation to such facilities, on a non-
25 reimbursable basis, for civilian patients from American

1 Samoa, the Commonwealth of the Northern Mariana Is-
2 lands, the Marshall Islands, the Federated States of Mi-
3 cronesia, Palau, and Guam.

4 SEC. 8010. (a) During fiscal year 2001, the civilian
5 personnel of the Department of Defense may not be man-
6 aged on the basis of any end-strength, and the manage-
7 ment of such personnel during that fiscal year shall not
8 be subject to any constraint or limitation (known as an
9 end-strength) on the number of such personnel who may
10 be employed on the last day of such fiscal year.

11 (b) The fiscal year 2002 budget request for the De-
12 partment of Defense as well as all justification material
13 and other documentation supporting the fiscal year 2002
14 Department of Defense budget request shall be prepared
15 and submitted to the Congress as if subsections (a) and
16 (b) of this provision were effective with regard to fiscal
17 year 2002.

18 (c) Nothing in this section shall be construed to apply
19 to military (civilian) technicians.

20 SEC. 8011. Notwithstanding any other provision of
21 law, none of the funds made available by this Act shall
22 be used by the Department of Defense to exceed, outside
23 the 50 United States, its territories, and the District of
24 Columbia, 125,000 civilian workyears: *Provided*, That
25 workyears shall be applied as defined in the Federal Per-

1 sonnel Manual: *Provided further*, That workyears ex-
2 pended in dependent student hiring programs for dis-
3 advantaged youths shall not be included in this workyear
4 limitation.

5 SEC. 8012. None of the funds made available by this
6 Act shall be used in any way, directly or indirectly, to in-
7 fluence congressional action on any legislation or appro-
8 priation matters pending before the Congress.

9 SEC. 8013. (a) None of the funds appropriated by
10 this Act shall be used to make contributions to the Depart-
11 ment of Defense Education Benefits Fund pursuant to
12 section 2006(g) of title 10, United States Code, rep-
13 resenting the normal cost for future benefits under section
14 3015(d) of title 38, United States Code, for any member
15 of the armed services who, on or after the date of the en-
16 actment of this Act, enlists in the armed services for a
17 period of active duty of less than 3 years, nor shall any
18 amounts representing the normal cost of such future bene-
19 fits be transferred from the Fund by the Secretary of the
20 Treasury to the Secretary of Veterans Affairs pursuant
21 to section 2006(d) of title 10, United States Code; nor
22 shall the Secretary of Veterans Affairs pay such benefits
23 to any such member: *Provided*, That these limitations
24 shall not apply to members in combat arms skills or to
25 members who enlist in the armed services on or after July

1 1, 1989, under a program continued or established by the
2 Secretary of Defense in fiscal year 1991 to test the cost-
3 effective use of special recruiting incentives involving not
4 more than 19 noncombat arms skills approved in advance
5 by the Secretary of Defense: *Provided further*, That this
6 subsection applies only to active components of the Army.

7 (b) None of the funds appropriated by this Act shall
8 be available for the basic pay and allowances of any mem-
9 ber of the Army participating as a full-time student and
10 receiving benefits paid by the Secretary of Veterans Af-
11 fairs from the Department of Defense Education Benefits
12 Fund when time spent as a full-time student is credited
13 toward completion of a service commitment: *Provided*,
14 That this subsection shall not apply to those members who
15 have reenlisted with this option prior to October 1, 1987:
16 *Provided further*, That this subsection applies only to ac-
17 tive components of the Army.

18 SEC. 8014. None of the funds appropriated by this
19 Act shall be available to convert to contractor performance
20 an activity or function of the Department of Defense that,
21 on or after the date of the enactment of this Act, is per-
22 formed by more than 10 Department of Defense civilian
23 employees until a most efficient and cost-effective organi-
24 zation analysis is completed on such activity or function
25 and certification of the analysis is made to the Committees

1 on Appropriations of the House of Representatives and the
2 Senate: *Provided*, That this section and subsections (a),
3 (b), and (c) of 10 U.S.C. 2461 shall not apply to a com-
4 mercial or industrial type function of the Department of
5 Defense that: (1) is included on the procurement list es-
6 tablished pursuant to section 2 of the Act of June 25,
7 1938 (41 U.S.C. 47), popularly referred to as the Javits-
8 Wagner-O'Day Act; (2) is planned to be converted to per-
9 formance by a qualified nonprofit agency for the blind or
10 by a qualified nonprofit agency for other severely handi-
11 capped individuals in accordance with that Act; or (3) is
12 planned to be converted to performance by a qualified firm
13 under 51 percent Native American ownership.

14 (TRANSFER OF FUNDS)

15 SEC. 8015. Funds appropriated in title III of this Act
16 for the Department of Defense Pilot Mentor-Protege Pro-
17 gram may be transferred to any other appropriation con-
18 tained in this Act solely for the purpose of implementing
19 a Mentor-Protege Program developmental assistance
20 agreement pursuant to section 831 of the National De-
21 fense Authorization Act for Fiscal Year 1991 (Public Law
22 101-510; 10 U.S.C. 2301 note), as amended, under the
23 authority of this provision or any other transfer authority
24 contained in this Act.

25 SEC. 8016. None of the funds in this Act may be
26 available for the purchase by the Department of Defense

1 (and its departments and agencies) of welded shipboard
2 anchor and mooring chain 4 inches in diameter and under
3 unless the anchor and mooring chain are manufactured
4 in the United States from components which are substan-
5 tially manufactured in the United States: *Provided*, That
6 for the purpose of this section manufactured will include
7 cutting, heat treating, quality control, testing of chain and
8 welding (including the forging and shot blasting process):
9 *Provided further*, That for the purpose of this section sub-
10 stantially all of the components of anchor and mooring
11 chain shall be considered to be produced or manufactured
12 in the United States if the aggregate cost of the compo-
13 nents produced or manufactured in the United States ex-
14 ceeds the aggregate cost of the components produced or
15 manufactured outside the United States: *Provided further*,
16 That when adequate domestic supplies are not available
17 to meet Department of Defense requirements on a timely
18 basis, the Secretary of the service responsible for the pro-
19 curement may waive this restriction on a case-by-case
20 basis by certifying in writing to the Committees on Appro-
21 priations that such an acquisition must be made in order
22 to acquire capability for national security purposes.

23 SEC. 8017. None of the funds appropriated by this
24 Act available for the Civilian Health and Medical Program
25 of the Uniformed Services (CHAMPUS) or Tricare shall

1 be available for the reimbursement of any health care pro-
2 vider for inpatient mental health service for care received
3 when a patient is referred to a provider of inpatient men-
4 tal health care or residential treatment care by a medical
5 or health care professional having an economic interest in
6 the facility to which the patient is referred: *Provided*, That
7 this limitation does not apply in the case of inpatient men-
8 tal health services provided under the program for persons
9 with disabilities under subsection (d) of section 1079 of
10 title 10, United States Code, provided as partial hospital
11 care, or provided pursuant to a waiver authorized by the
12 Secretary of Defense because of medical or psychological
13 circumstances of the patient that are confirmed by a
14 health professional who is not a Federal employee after
15 a review, pursuant to rules prescribed by the Secretary,
16 which takes into account the appropriate level of care for
17 the patient, the intensity of services required by the pa-
18 tient, and the availability of that care.

19 SEC. 8018. Funds available in this Act may be used
20 to provide transportation for the next-of-kin of individuals
21 who have been prisoners of war or missing in action from
22 the Vietnam era to an annual meeting in the United
23 States, under such regulations as the Secretary of Defense
24 may prescribe.

1 SEC. 8019. Notwithstanding any other provision of
2 law, during the current fiscal year, the Secretary of De-
3 fense may, by executive agreement, establish with host na-
4 tion governments in NATO member states a separate ac-
5 count into which such residual value amounts negotiated
6 in the return of United States military installations in
7 NATO member states may be deposited, in the currency
8 of the host nation, in lieu of direct monetary transfers to
9 the United States Treasury: *Provided*, That such credits
10 may be utilized only for the construction of facilities to
11 support United States military forces in that host nation,
12 or such real property maintenance and base operating
13 costs that are currently executed through monetary trans-
14 fers to such host nations: *Provided further*, That the De-
15 partment of Defense's budget submission for fiscal year
16 2002 shall identify such sums anticipated in residual value
17 settlements, and identify such construction, real property
18 maintenance or base operating costs that shall be funded
19 by the host nation through such credits: *Provided further*,
20 That all military construction projects to be executed from
21 such accounts must be previously approved in a prior Act
22 of Congress: *Provided further*, That each such executive
23 agreement with a NATO member host nation shall be re-
24 ported to the congressional defense committees, the Com-
25 mittee on International Relations of the House of Rep-

1 representatives and the Committee on Foreign Relations of
2 the Senate 30 days prior to the conclusion and endorse-
3 ment of any such agreement established under this provi-
4 sion.

5 SEC. 8020. None of the funds available to the De-
6 partment of Defense may be used to demilitarize or dis-
7 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
8 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

9 SEC. 8021. No more than \$500,000 of the funds ap-
10 propriated or made available in this Act shall be used dur-
11 ing a single fiscal year for any single relocation of an orga-
12 nization, unit, activity or function of the Department of
13 Defense into or within the National Capital Region: *Pro-*
14 *vided*, That the Secretary of Defense may waive this re-
15 striction on a case-by-case basis by certifying in writing
16 to the congressional defense committees that such a relo-
17 cation is required in the best interest of the Government.

18 SEC. 8022. In addition to the funds provided else-
19 where in this Act, \$8,000,000 is appropriated only for in-
20 centive payments authorized by section 504 of the Indian
21 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That
22 contractors participating in the test program established
23 by section 854 of Public Law 101-189 (15 U.S.C. 637
24 note) shall be eligible for the program established by sec-

tion 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8023. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Common-

1 wealth of Puerto Rico, or a territory of the
2 United States; and

3 (3) requests and is granted—

4 (A) leave under the authority of this sec-
5 tion; or

6 (B) annual leave, which may be granted
7 without regard to the provisions of sections
8 5519 and 6323(b) of title 5, United States
9 Code, if such employee is otherwise entitled to
10 such annual leave:

11 *Provided*, That any employee who requests leave under
12 subsection (3)(A) for service described in subsection (2)
13 of this section is entitled to such leave, subject to the pro-
14 visions of this section and of the last sentence of section
15 6323(b) of title 5, United States Code, and such leave
16 shall be considered leave under section 6323(b) of title 5,
17 United States Code.

18 SEC. 8024. None of the funds appropriated by this
19 Act shall be available to perform any cost study pursuant
20 to the provisions of OMB Circular A-76 if the study being
21 performed exceeds a period of 24 months after initiation
22 of such study with respect to a single function activity or
23 48 months after initiation of such study for a multi-func-
24 tion activity.

1 SEC. 8025. Funds appropriated by this Act for the
2 American Forces Information Service shall not be used for
3 any national or international political or psychological ac-
4 tivities.

5 SEC. 8026. Notwithstanding any other provision of
6 law or regulation, the Secretary of Defense may adjust
7 wage rates for civilian employees hired for certain health
8 care occupations as authorized for the Secretary of Vet-
9 erans Affairs by section 7455 of title 38, United States
10 Code.

11 Sec. 8027. None of the funds appropriated or made
12 available in this Act shall be used to reduce or disestablish
13 the operation of the 53rd Weather Reconnaissance Squad-
14 ron of the Air Force Reserve, if such action would reduce
15 the WC-130 Weather Reconnaissance mission below the
16 levels funded in this Act.

17 SEC. 8028. (a) Of the funds for the procurement of
18 supplies or services appropriated by this Act, qualified
19 nonprofit agencies for the blind or other severely handi-
20 capped shall be afforded the maximum practicable oppor-
21 tunity to participate as subcontractors and suppliers in the
22 performance of contracts let by the Department of De-
23 fense.

24 (b) During the current fiscal year, a business concern
25 which has negotiated with a military service or defense

1 agency a subcontracting plan for the participation by
2 small business concerns pursuant to section 8(d) of the
3 Small Business Act (15 U.S.C. 637(d)) shall be given
4 credit toward meeting that subcontracting goal for any
5 purchases made from qualified nonprofit agencies for the
6 blind or other severely handicapped.

7 (c) For the purpose of this section, the phrase “quali-
8 fied nonprofit agency for the blind or other severely handi-
9 capped” means a nonprofit agency for the blind or other
10 severely handicapped that has been approved by the Com-
11 mittee for the Purchase from the Blind and Other Severely
12 Handicapped under the Javits-Wagner-O’Day Act (41
13 U.S.C. 46–48).

14 SEC. 8029. During the current fiscal year, net re-
15 ceipts pursuant to collections from third party payers pur-
16 suant to section 1095 of title 10, United States Code, shall
17 be made available to the local facility of the uniformed
18 services responsible for the collections and shall be over
19 and above the facility’s direct budget amount.

20 SEC. 8030. During the current fiscal year, the De-
21 partment of Defense is authorized to incur obligations of
22 not to exceed \$350,000,000 for purposes specified in sec-
23 tion 2350j(c) of title 10, United States Code, in anticipa-
24 tion of receipt of contributions, only from the Government
25 of Kuwait, under that section: *Provided*, That upon re-

1 ceipt, such contributions from the Government of Kuwait
2 shall be credited to the appropriations or fund which in-
3 curred such obligations.

4 SEC. 8031. (a) None of the funds appropriated in this
5 Act are available to establish a new Department of De-
6 fense (department) federally funded research and develop-
7 ment center (FFRDC), either as a new entity, or as a
8 separate entity administrated by an organization man-
9 aging another FFRDC, or as a nonprofit membership cor-
10 poration consisting of a consortium of other FFRDCs and
11 other non-profit entities.

12 (b) No member of a Board of Directors, Trustees,
13 Overseers, Advisory Group, Special Issues Panel, Visiting
14 Committee, or any similar entity of a defense FFRDC,
15 and no paid consultant to any defense FFRDC, except
16 when acting in a technical advisory capacity, may be com-
17 pensated for his or her services as a member of such enti-
18 ty, or as a paid consultant by more than one FFRDC in
19 a fiscal year: *Provided*, That a member of any such entity
20 referred to previously in this subsection shall be allowed
21 travel expenses and per diem as authorized under the Fed-
22 eral Joint Travel Regulations, when engaged in the per-
23 formance of membership duties.

24 (c) Notwithstanding any other provision of law, none
25 of the funds available to the department from any source

1 during fiscal year 2001 may be used by a defense FFRDC,
2 through a fee or other payment mechanism, for construc-
3 tion of new buildings, for payment of cost sharing for
4 projects funded by Government grants, for absorption of
5 contract overruns, or for certain charitable contributions,
6 not to include employee participation in community service
7 and/or development.

8 (d) Notwithstanding any other provision of law, of
9 the funds available to the department during fiscal year
10 2001, not more than 6,227 staff years of technical effort
11 (staff years) may be funded for defense FFRDCs: *Pro-*
12 *vided*, That of the specific amount referred to previously
13 in this subsection, not more than 1,009 staff years may
14 be funded for the defense studies and analysis FFRDCs.

15 (e) The Secretary of Defense shall, with the submis-
16 sion of the department's fiscal year 2002 budget request,
17 submit a report presenting the specific amounts of staff
18 years of technical effort to be allocated for each defense
19 FFRDC during that fiscal year.

20 SEC. 8032. None of the funds appropriated or made
21 available in this Act shall be used to procure carbon, alloy
22 or armor steel plate for use in any Government-owned fa-
23 cility or property under the control of the Department of
24 Defense which were not melted and rolled in the United
25 States or Canada: *Provided*, That these procurement re-

1 strictions shall apply to any and all Federal Supply Class
2 9515, American Society of Testing and Materials (ASTM)
3 or American Iron and Steel Institute (AISI) specifications
4 of carbon, alloy or armor steel plate: *Provided further*,
5 That the Secretary of the military department responsible
6 for the procurement may waive this restriction on a case-
7 by-case basis by certifying in writing to the Committees
8 on Appropriations of the House of Representatives and the
9 Senate that adequate domestic supplies are not available
10 to meet Department of Defense requirements on a timely
11 basis and that such an acquisition must be made in order
12 to acquire capability for national security purposes: *Pro-*
13 *vided further*, That these restrictions shall not apply to
14 contracts which are in being as of the date of the enact-
15 ment of this Act.

16 SEC. 8033. For the purposes of this Act, the term
17 “congressional defense committees” means the Armed
18 Services Committee of the House of Representatives, the
19 Armed Services Committee of the Senate, the Sub-
20 committee on Defense of the Committee on Appropriations
21 of the Senate, and the Subcommittee on Defense of the
22 Committee on Appropriations of the House of Representa-
23 tives.

24 SEC. 8034. During the current fiscal year, the De-
25 partment of Defense may acquire the modification, depot

1 maintenance and repair of aircraft, vehicles and vessels
2 as well as the production of components and other De-
3 fense-related articles, through competition between De-
4 partment of Defense depot maintenance activities and pri-
5 vate firms: *Provided*, That the Senior Acquisition Execu-
6 tive of the military department or defense agency con-
7 cerned, with power of delegation, shall certify that success-
8 ful bids include comparable estimates of all direct and in-
9 direct costs for both public and private bids: *Provided fur-*
10 *ther*, That Office of Management and Budget Circular A-
11 76 shall not apply to competitions conducted under this
12 section.

13 SEC. 8035. (a)(1) If the Secretary of Defense, after
14 consultation with the United States Trade Representative,
15 determines that a foreign country which is party to an
16 agreement described in paragraph (2) has violated the
17 terms of the agreement by discriminating against certain
18 types of products produced in the United States that are
19 covered by the agreement, the Secretary of Defense shall
20 rescind the Secretary's blanket waiver of the Buy Amer-
21 ican Act with respect to such types of products produced
22 in that foreign country.

23 (2) An agreement referred to in paragraph (1) is any
24 reciprocal defense procurement memorandum of under-
25 standing, between the United States and a foreign country

1 pursuant to which the Secretary of Defense has prospec-
2 tively waived the Buy American Act for certain products
3 in that country.

4 (b) The Secretary of Defense shall submit to the Con-
5 gress a report on the amount of Department of Defense
6 purchases from foreign entities in fiscal year 2001. Such
7 report shall separately indicate the dollar value of items
8 for which the Buy American Act was waived pursuant to
9 any agreement described in subsection (a)(2), the Trade
10 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
11 international agreement to which the United States is a
12 party.

13 (c) For purposes of this section, the term “Buy
14 American Act” means title III of the Act entitled “An Act
15 making appropriations for the Treasury and Post Office
16 Departments for the fiscal year ending June 30, 1934,
17 and for other purposes”, approved March 3, 1933 (41
18 U.S.C. 10a et seq.).

19 SEC. 8036. Appropriations contained in this Act that
20 remain available at the end of the current fiscal year as
21 a result of energy cost savings realized by the Department
22 of Defense shall remain available for obligation for the
23 next fiscal year to the extent, and for the purposes, pro-
24 vided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8037. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8038. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8039. Notwithstanding any other provision of law, funds available for “Drug Interdiction and Counter-Drug Activities, Defense” may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8040. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: *Provided*, That none of the funds made available for expenditure under this section may be transferred or obligated until 30 days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2001 and 2002, and the specific expenditures to be made using funds transferred from this account during fiscal year 2001.

SEC. 8041. Of the funds appropriated or otherwise made available by this Act, not more than \$119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8042. During the current fiscal year, appropriations which are available to the Department of Defense

1 for operation and maintenance may be used to purchase
2 items having an investment item unit cost of not more
3 than \$100,000.

4 SEC. 8043. (a) During the current fiscal year, none
5 of the appropriations or funds available to the Department
6 of Defense Working Capital Funds shall be used for the
7 purchase of an investment item for the purpose of acquir-
8 ing a new inventory item for sale or anticipated sale dur-
9 ing the current fiscal year or a subsequent fiscal year to
10 customers of the Department of Defense Working Capital
11 Funds if such an item would not have been chargeable
12 to the Department of Defense Business Operations Fund
13 during fiscal year 1994 and if the purchase of such an
14 investment item would be chargeable during the current
15 fiscal year to appropriations made to the Department of
16 Defense for procurement.

17 (b) The fiscal year 2002 budget request for the De-
18 partment of Defense as well as all justification material
19 and other documentation supporting the fiscal year 2002
20 Department of Defense budget shall be prepared and sub-
21 mitted to the Congress on the basis that any equipment
22 which was classified as an end item and funded in a pro-
23 curement appropriation contained in this Act shall be
24 budgeted for in a proposed fiscal year 2002 procurement
25 appropriation and not in the supply management business

1 area or any other area or category of the Department of
2 Defense Working Capital Funds.

3 SEC. 8044. None of the funds appropriated by this
4 Act for programs of the Central Intelligence Agency shall
5 remain available for obligation beyond the current fiscal
6 year, except for funds appropriated for the Reserve for
7 Contingencies, which shall remain available until Sep-
8 tember 30, 2002: *Provided*, That funds appropriated,
9 transferred, or otherwise credited to the Central Intel-
10 ligence Agency Central Services Working Capital Fund
11 during this or any prior or subsequent fiscal year shall
12 remain available until expended.

13 SEC. 8045. Notwithstanding any other provision of
14 law, funds made available in this Act for the Defense In-
15 telligence Agency may be used for the design, develop-
16 ment, and deployment of General Defense Intelligence
17 Program intelligence communications and intelligence in-
18 formation systems for the Services, the Unified and Speci-
19 fied Commands, and the component commands.

20 SEC. 8046. Of the funds appropriated by the Depart-
21 ment of Defense under the heading “Operation and Main-
22 tenance, Defense-Wide”, not less than \$8,000,000 shall be
23 made available only for the mitigation of environmental
24 impacts, including training and technical assistance to
25 tribes, related administrative support, the gathering of in-

1 formation, documenting of environmental damage, and de-
2 veloping a system for prioritization of mitigation and cost
3 to complete estimates for mitigation, on Indian lands re-
4 sulting from Department of Defense activities.

5 SEC. 8047. Amounts collected for the use of the fa-
6 cilities of the National Science Center for Communications
7 and Electronics during the current fiscal year pursuant
8 to section 1459(g) of the Department of Defense Author-
9 ization Act, 1986, and deposited to the special account es-
10 tablished under subsection 1459(g)(2) of that Act are ap-
11 propriated and shall be available until expended for the
12 operation and maintenance of the Center as provided for
13 in subsection 1459(g)(2).

14 SEC. 8048. None of the funds appropriated in this
15 Act may be used to fill the commander's position at any
16 military medical facility with a health care professional
17 unless the prospective candidate can demonstrate profes-
18 sional administrative skills.

19 SEC. 8049. (a) None of the funds appropriated in this
20 Act may be expended by an entity of the Department of
21 Defense unless the entity, in expending the funds, com-
22 plies with the Buy American Act. For purposes of this
23 subsection, the term "Buy American Act" means title III
24 of the Act entitled "An Act making appropriations for the
25 Treasury and Post Office Departments for the fiscal year

1 ending June 30, 1934, and for other purposes”, approved
2 March 3, 1933 (41 U.S.C. 10a et seq.).

3 (b) If the Secretary of Defense determines that a per-
4 son has been convicted of intentionally affixing a label
5 bearing a “Made in America” inscription to any product
6 sold in or shipped to the United States that is not made
7 in America, the Secretary shall determine, in accordance
8 with section 2410f of title 10, United States Code, wheth-
9 er the person should be debarred from contracting with
10 the Department of Defense.

11 (c) In the case of any equipment or products pur-
12 chased with appropriations provided under this Act, it is
13 the sense of the Congress that any entity of the Depart-
14 ment of Defense, in expending the appropriation, purchase
15 only American-made equipment and products, provided
16 that American-made equipment and products are cost-
17 competitive, quality-competitive, and available in a timely
18 fashion.

19 SEC. 8050. None of the funds appropriated by this
20 Act shall be available for a contract for studies, analysis,
21 or consulting services entered into without competition on
22 the basis of an unsolicited proposal unless the head of the
23 activity responsible for the procurement determines—

1 (1) as a result of thorough technical evaluation,
2 only one source is found fully qualified to perform
3 the proposed work;

4 (2) the purpose of the contract is to explore an
5 unsolicited proposal which offers significant sci-
6 entific or technological promise, represents the prod-
7 uct of original thinking, and was submitted in con-
8 fidence by one source; or

9 (3) the purpose of the contract is to take ad-
10 vantage of unique and significant industrial accom-
11 plishment by a specific concern, or to insure that a
12 new product or idea of a specific concern is given fi-
13 nancial support:

14 *Provided*, That this limitation shall not apply to contracts
15 in an amount of less than \$25,000, contracts related to
16 improvements of equipment that is in development or pro-
17 duction, or contracts as to which a civilian official of the
18 Department of Defense, who has been confirmed by the
19 Senate, determines that the award of such contract is in
20 the interest of the national defense.

21 SEC. 8051. (a) Except as provided in subsections (b)
22 and (c), none of the funds made available by this Act may
23 be used—

24 (1) to establish a field operating agency; or

1 (2) to pay the basic pay of a member of the
2 Armed Forces or civilian employee of the depart-
3 ment who is transferred or reassigned from a head-
4 quarters activity if the member or employee's place
5 of duty remains at the location of that headquarters.

6 (b) The Secretary of Defense or Secretary of a mili-
7 tary department may waive the limitations in subsection
8 (a), on a case-by-case basis, if the Secretary determines,
9 and certifies to the Committees on Appropriations of the
10 House of Representatives and Senate that the granting
11 of the waiver will reduce the personnel requirements or
12 the financial requirements of the department.

13 (c) This section does not apply to field operating
14 agencies funded within the National Foreign Intelligence
15 Program.

16 SEC. 8052. Funds appropriated by this Act and in
17 Public Law 105–277, or made available by the transfer
18 of funds in this Act and in Public Law 105–277 for intel-
19 ligence activities are deemed to be specifically authorized
20 by the Congress for purposes of section 504 of the Na-
21 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
22 year 2001 until the enactment of the Intelligence Author-
23 ization Act for Fiscal Year 2001.

24 SEC. 8053. Notwithstanding section 303 of Public
25 Law 96–487 or any other provision of law, the Secretary

1 of the Navy is authorized to lease real and personal prop-
 2 erty at Naval Air Facility, Adak, Alaska, pursuant to 10
 3 U.S.C. 2667(f), for commercial, industrial or other pur-
 4 poses: *Provided*, That notwithstanding any other provision
 5 of law, the Secretary of the Navy may remove hazardous
 6 materials from facilities, buildings, and structures at
 7 Adak, Alaska, and may demolish or otherwise dispose of
 8 such facilities, buildings, and structures.

9 (RESCISSIONS)

10 SEC. 8054. Of the funds provided in Department of
 11 Defense Appropriations Acts, the following funds are here-
 12 by rescinded as of the date of enactment of this Act, or
 13 October 1, 2000, whichever is later, from the following ac-
 14 counts in the specified amounts:

15 “Aircraft Procurement, Army, 2000/2002”,
 16 \$7,000,000;

17 “Missile Procurement, Army, 2000/2002”,
 18 \$6,000,000;

19 “Procurement of Weapons and Tracked Combat
 20 Vehicles, Army, 2000/2002”, \$7,000,000;

21 “Procurement of Ammunition, Army, 2000/
 22 2002”, \$5,000,000;

23 “Other Procurement, Army, 2000/2002”,
 24 \$16,000,000;

25 “Aircraft Procurement, Air Force, 2000/2002”,
 26 \$32,700,000;

1 “Missile Procurement, Air Force, 2000/2002”,
2 \$5,500,000;

3 “Other Procurement, Air Force, 2000/2002”,
4 \$6,400,000;

5 “Research, Development, Test and Evaluation,
6 Army, 2000/2001”, \$19,000,000;

7 “Research, Development, Test and Evaluation,
8 Air Force, 2000/2001”, \$42,000,000; and

9 “Research, Development, Test and Evaluation,
10 Defense-Wide, 2000/2001”, \$33,900,000:

11 *Provided*, That these reductions shall be applied propor-
12 tionally to each budget activity, activity group and sub-
13 activity group and each program, project and activity
14 within each appropriation account: *Provided further*, That
15 the following additional amounts are hereby rescinded as
16 of the date of enactment of this Act, or October 1, 2000,
17 whichever is later, from the following accounts in the spec-
18 ified amounts:

19 “Shipbuilding and Conversion, Navy, 1998/
20 2002”, SSN-21 attack submarine program,
21 \$74,000,000;

22 “Other Procurement, Army, 1999/2001”,
23 \$3,000,000;

24 “Weapons Procurement, Navy, 1999/2001”,
25 \$22,000,000;

1 “Aircraft Procurement, Air Force, 1999/2001”,
2 \$12,300,000;
3 “Missile Procurement, Air Force, 1999/2001”,
4 \$20,000,000;
5 “Other Procurement, Air Force, 1999/2001”,
6 \$8,000,000;
7 “Missile Procurement, Army, 2000/2002”,
8 \$150,000,000;
9 “Procurement of Weapons and Tracked Combat
10 Vehicles, Army, 2000/2002”, \$60,000,000;
11 “Other Procurement, Army, 2000/2002”,
12 \$29,000,000;
13 “Aircraft Procurement, Navy, 2000/2002”,
14 \$6,500,000;
15 “Missile Procurement, Air Force, 2000/2002”,
16 \$6,192,000;
17 “Other Procurement, Air Force, 2000/2002”,
18 \$20,000,000;
19 “Research, Development, Test and Evaluation,
20 Army, 2000/2001”, \$52,000,000;
21 “Research, Development, Test and Evaluation,
22 Air Force, 2000/2001”, \$30,000,000; and
23 “Reserve Mobilization Income Insurance
24 Fund”, \$17,000,000.

1 SEC. 8055. None of the funds available in this Act
2 may be used to reduce the authorized positions for mili-
3 tary (civilian) technicians of the Army National Guard,
4 the Air National Guard, Army Reserve and Air Force Re-
5 serve for the purpose of applying any administratively im-
6 posed civilian personnel ceiling, freeze, or reduction on
7 military (civilian) technicians, unless such reductions are
8 a direct result of a reduction in military force structure.

9 SEC. 8056. None of the funds appropriated or other-
10 wise made available in this Act may be obligated or ex-
11 pended for assistance to the Democratic People's Republic
12 of North Korea unless specifically appropriated for that
13 purpose.

14 SEC. 8057. During the current fiscal year, funds ap-
15 propriated in this Act are available to compensate mem-
16 bers of the National Guard for duty performed pursuant
17 to a plan submitted by a Governor of a State and approved
18 by the Secretary of Defense under section 112 of title 32,
19 United States Code: *Provided*, That during the perform-
20 ance of such duty, the members of the National Guard
21 shall be under State command and control: *Provided fur-*
22 *ther*, That such duty shall be treated as full-time National
23 Guard duty for purposes of sections 12602(a)(2) and
24 (b)(2) of title 10, United States Code.

1 SEC. 8058. Funds appropriated in this Act for oper-
2 ation and maintenance of the Military Departments, Com-
3 batant Commands and Defense Agencies shall be available
4 for reimbursement of pay, allowances and other expenses
5 which would otherwise be incurred against appropriations
6 for the National Guard and Reserve when members of the
7 National Guard and Reserve provide intelligence or coun-
8 terintelligence support to Combatant Commands, Defense
9 Agencies and Joint Intelligence Activities, including the
10 activities and programs included within the National For-
11 eign Intelligence Program (NFIP), the Joint Military In-
12 telligence Program (JMIP), and the Tactical Intelligence
13 and Related Activities (TIARA) aggregate: *Provided*, That
14 nothing in this section authorizes deviation from estab-
15 lished Reserve and National Guard personnel and training
16 procedures.

17 SEC. 8059. During the current fiscal year, none of
18 the funds appropriated in this Act may be used to reduce
19 the civilian medical and medical support personnel as-
20 signed to military treatment facilities below the September
21 30, 2000 level: *Provided*, That the Service Surgeons Gen-
22 eral may waive this section by certifying to the congres-
23 sional defense committees that the beneficiary population
24 is declining in some catchment areas and civilian strength

1 reductions may be consistent with responsible resource
2 stewardship and capitation-based budgeting.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8060. None of the funds appropriated in this
5 Act may be transferred to or obligated from the Pentagon
6 Reservation Maintenance Revolving Fund, unless the Sec-
7 retary of Defense certifies that the total cost for the plan-
8 ning, design, construction and installation of equipment
9 for the renovation of the Pentagon Reservation will not
10 exceed \$1,222,000,000.

11 SEC. 8061. (a) None of the funds available to the
12 Department of Defense for any fiscal year for drug inter-
13 diction or counter-drug activities may be transferred to
14 any other department or agency of the United States ex-
15 cept as specifically provided in an appropriations law.

16 (b) None of the funds available to the Central Intel-
17 ligence Agency for any fiscal year for drug interdiction
18 and counter-drug activities may be transferred to any
19 other department or agency of the United States except
20 as specifically provided in an appropriations law.

21 (TRANSFER OF FUNDS)

22 SEC. 8062. Appropriations available in this Act under
23 the heading “Operation and Maintenance, Defense-Wide”
24 for increasing energy and water efficiency in Federal
25 buildings may, during their period of availability, be trans-
26 ferred to other appropriations or funds of the Department

1 of Defense for projects related to increasing energy and
2 water efficiency, to be merged with and to be available
3 for the same general purposes, and for the same time pe-
4 riod, as the appropriation or fund to which transferred.

5 SEC. 8063. None of the funds appropriated by this
6 Act may be used for the procurement of ball and roller
7 bearings other than those produced by a domestic source
8 and of domestic origin: *Provided*, That the Secretary of
9 the military department responsible for such procurement
10 may waive this restriction on a case-by-case basis by certi-
11 fying in writing to the Committees on Appropriations of
12 the House of Representatives and the Senate, that ade-
13 quate domestic supplies are not available to meet Depart-
14 ment of Defense requirements on a timely basis and that
15 such an acquisition must be made in order to acquire ca-
16 pability for national security purposes.

17 SEC. 8064. Notwithstanding any other provision of
18 law, funds available to the Department of Defense shall
19 be made available to provide transportation of medical
20 supplies and equipment, on a nonreimbursable basis, to
21 American Samoa, and funds available to the Department
22 of Defense shall be made available to provide transpor-
23 tation of medical supplies and equipment, on a non-
24 reimbursable basis, to the Indian Health Service when it
25 is in conjunction with a civil-military project.

1 SEC. 8065. None of the funds in this Act may be
2 used to purchase any supercomputer which is not manu-
3 factured in the United States, unless the Secretary of De-
4 fense certifies to the congressional defense committees
5 that such an acquisition must be made in order to acquire
6 capability for national security purposes that is not avail-
7 able from United States manufacturers.

8 SEC. 8066. Notwithstanding any other provision of
9 law, the Naval shipyards of the United States shall be eli-
10 gible to participate in any manufacturing extension pro-
11 gram financed by funds appropriated in this or any other
12 Act.

13 SEC. 8067. Notwithstanding any other provision of
14 law, each contract awarded by the Department of Defense
15 during the current fiscal year for construction or service
16 performed in whole or in part in a State (as defined in
17 section 381(d) of title 10, United States Code) which is
18 not contiguous with another State and has an unemploy-
19 ment rate in excess of the national average rate of unem-
20 ployment as determined by the Secretary of Labor, shall
21 include a provision requiring the contractor to employ, for
22 the purpose of performing that portion of the contract in
23 such State that is not contiguous with another State, indi-
24 viduals who are residents of such State and who, in the
25 case of any craft or trade, possess or would be able to

1 acquire promptly the necessary skills: *Provided*, That the
2 Secretary of Defense may waive the requirements of this
3 section, on a case-by-case basis, in the interest of national
4 security.

5 SEC. 8068. During the current fiscal year, the Army
6 shall use the former George Air Force Base as the airhead
7 for the National Training Center at Fort Irwin: *Provided*,
8 That none of the funds in this Act shall be obligated or
9 expended to transport Army personnel into Edwards Air
10 Force Base for training rotations at the National Training
11 Center.

12 SEC. 8069. (a) The Secretary of Defense shall sub-
13 mit, on a quarterly basis, a report to the congressional
14 defense committees, the Committee on International Rela-
15 tions of the House of Representatives and the Committee
16 on Foreign Relations of the Senate setting forth all costs
17 (including incremental costs) incurred by the Department
18 of Defense during the preceding quarter in implementing
19 or supporting resolutions of the United Nations Security
20 Council, including any such resolution calling for inter-
21 national sanctions, international peacekeeping operations,
22 and humanitarian missions undertaken by the Depart-
23 ment of Defense. The quarterly report shall include an ag-
24 gregate of all such Department of Defense costs by oper-
25 ation or mission.

1 (b) The Secretary of Defense shall detail in the quar-
2 terly reports all efforts made to seek credit against past
3 United Nations expenditures and all efforts made to seek
4 compensation from the United Nations for costs incurred
5 by the Department of Defense in implementing and sup-
6 porting United Nations activities.

7 SEC. 8070. (a) LIMITATION ON TRANSFER OF DE-
8 FENSE ARTICLES AND SERVICES.—Notwithstanding any
9 other provision of law, none of the funds available to the
10 Department of Defense for the current fiscal year may be
11 obligated or expended to transfer to another nation or an
12 international organization any defense articles or services
13 (other than intelligence services) for use in the activities
14 described in subsection (b) unless the congressional de-
15 fense committees, the Committee on International Rela-
16 tions of the House of Representatives, and the Committee
17 on Foreign Relations of the Senate are notified 15 days
18 in advance of such transfer.

19 (b) COVERED ACTIVITIES.—This section applies to—
20 (1) any international peacekeeping or peace-en-
21 forcement operation under the authority of chapter
22 VI or chapter VII of the United Nations Charter
23 under the authority of a United Nations Security
24 Council resolution; and

1 (2) any other international peacekeeping, peace-
2 enforcement, or humanitarian assistance operation.

3 (c) REQUIRED NOTICE.—A notice under subsection
4 (a) shall include the following:

5 (1) A description of the equipment, supplies, or
6 services to be transferred.

7 (2) A statement of the value of the equipment,
8 supplies, or services to be transferred.

9 (3) In the case of a proposed transfer of equip-
10 ment or supplies—

11 (A) a statement of whether the inventory
12 requirements of all elements of the Armed
13 Forces (including the reserve components) for
14 the type of equipment or supplies to be trans-
15 ferred have been met; and

16 (B) a statement of whether the items pro-
17 posed to be transferred will have to be replaced
18 and, if so, how the President proposes to pro-
19 vide funds for such replacement.

20 SEC. 8071. To the extent authorized by subchapter
21 VI of chapter 148 of title 10, United States Code, the
22 Secretary of Defense may issue loan guarantees in support
23 of United States defense exports not otherwise provided
24 for: *Provided*, That the total contingent liability of the
25 United States for guarantees issued under the authority

1 of this section may not exceed \$15,000,000,000: *Provided*
2 *further*, That the exposure fees charged and collected by
3 the Secretary for each guarantee shall be paid by the
4 country involved and shall not be financed as part of a
5 loan guaranteed by the United States: *Provided further*,
6 That the Secretary shall provide quarterly reports to the
7 Committees on Appropriations, Armed Services, and For-
8 eign Relations of the Senate and the Committees on Ap-
9 propriations, Armed Services, and International Relations
10 in the House of Representatives on the implementation of
11 this program: *Provided further*, That amounts charged for
12 administrative fees and deposited to the special account
13 provided for under section 2540c(d) of title 10, shall be
14 available for paying the costs of administrative expenses
15 of the Department of Defense that are attributable to the
16 loan guarantee program under subchapter VI of chapter
17 148 of title 10, United States Code.

18 SEC. 8072. None of the funds available to the De-
19 partment of Defense under this Act shall be obligated or
20 expended to pay a contractor under a contract with the
21 Department of Defense for costs of any amount paid by
22 the contractor to an employee when—

23 (1) such costs are for a bonus or otherwise in
24 excess of the normal salary paid by the contractor
25 to the employee; and

1 (2) such bonus is part of restructuring costs as-
2 sociated with a business combination.

3 SEC. 8073. (a) None of the funds appropriated or
4 otherwise made available in this Act may be used to trans-
5 port or provide for the transportation of chemical muni-
6 tions or agents to the Johnston Atoll for the purpose of
7 storing or demilitarizing such munitions or agents.

8 (b) The prohibition in subsection (a) shall not apply
9 to any obsolete World War II chemical munition or agent
10 of the United States found in the World War II Pacific
11 Theater of Operations.

12 (c) The President may suspend the application of
13 subsection (a) during a period of war in which the United
14 States is a party.

15 SEC. 8074. None of the funds provided in title II of
16 this Act for “Former Soviet Union Threat Reduction”
17 may be obligated or expended to finance housing for any
18 individual who was a member of the military forces of the
19 Soviet Union or for any individual who is or was a member
20 of the military forces of the Russian Federation.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8075. During the current fiscal year, no more
23 than \$10,000,000 of appropriations made in this Act
24 under the heading “Operation and Maintenance, Defense-
25 Wide” may be transferred to appropriations available for
26 the pay of military personnel, to be merged with, and to

1 be available for the same time period as the appropriations
2 to which transferred, to be used in support of such per-
3 sonnel in connection with support and services for eligible
4 organizations and activities outside the Department of De-
5 fense pursuant to section 2012 of title 10, United States
6 Code.

7 SEC. 8076. For purposes of section 1553(b) of title
8 31, United States Code, any subdivision of appropriations
9 made in this Act under the heading “Shipbuilding and
10 Conversion, Navy” shall be considered to be for the same
11 purpose as any subdivision under the heading “Ship-
12 building and Conversion, Navy” appropriations in any
13 prior year, and the 1 percent limitation shall apply to the
14 total amount of the appropriation.

15 SEC. 8077. During the current fiscal year, in the case
16 of an appropriation account of the Department of Defense
17 for which the period of availability for obligation has ex-
18 pired or which has closed under the provisions of section
19 1552 of title 31, United States Code, and which has a
20 negative unliquidated or unexpended balance, an obliga-
21 tion or an adjustment of an obligation may be charged
22 to any current appropriation account for the same purpose
23 as the expired or closed account if—

24 (1) the obligation would have been properly
25 chargeable (except as to amount) to the expired or

1 closed account before the end of the period of avail-
2 ability or closing of that account;

3 (2) the obligation is not otherwise properly
4 chargeable to any current appropriation account of
5 the Department of Defense; and

6 (3) in the case of an expired account, the obli-
7 gation is not chargeable to a current appropriation
8 of the Department of Defense under the provisions
9 of section 1405(b)(8) of the National Defense Au-
10 thorization Act for Fiscal Year 1991, Public Law
11 101-510, as amended (31 U.S.C. 1551 note): *Pro-*
12 *vided*, That in the case of an expired account, if sub-
13 sequent review or investigation discloses that there
14 was not in fact a negative unliquidated or unex-
15 pended balance in the account, any charge to a cur-
16 rent account under the authority of this section shall
17 be reversed and recorded against the expired ac-
18 count: *Provided further*, That the total amount
19 charged to a current appropriation under this sec-
20 tion may not exceed an amount equal to 1 percent
21 of the total appropriation for that account.

22 SEC. 8078. The Under Secretary of Defense (Comp-
23 troller) shall submit to the congressional defense commit-
24 tees by February 1, 2001, a detailed report identifying,
25 by amount and by separate budget activity, activity group,

1 subactivity group, line item, program element, program,
2 project, subproject, and activity, any activity for which the
3 fiscal year 2002 budget request was reduced because the
4 Congress appropriated funds above the President's budget
5 request for that specific activity for fiscal year 2001.

6 SEC. 8079. Funds appropriated in title II of this Act
7 and for the Defense Health Program in title VI of this
8 Act for supervision and administration costs for facilities
9 maintenance and repair, minor construction, or design
10 projects may be obligated at the time the reimbursable
11 order is accepted by the performing activity: *Provided*,
12 That for the purpose of this section, supervision and ad-
13 ministration costs includes all in-house Government cost.

14 SEC. 8080. During the current fiscal year, the Sec-
15 retary of Defense may waive reimbursement of the cost
16 of conferences, seminars, courses of instruction, or similar
17 educational activities of the Asia-Pacific Center for Secu-
18 rity Studies for military officers and civilian officials of
19 foreign nations if the Secretary determines that attend-
20 ance by such personnel, without reimbursement, is in the
21 national security interest of the United States: *Provided*,
22 That costs for which reimbursement is waived pursuant
23 to this section shall be paid from appropriations available
24 for the Asia-Pacific Center.

1 SEC. 8081. (a) Notwithstanding any other provision
2 of law, the Chief of the National Guard Bureau may per-
3 mit the use of equipment of the National Guard Distance
4 Learning Project by any person or entity on a space-avail-
5 able, reimbursable basis. The Chief of the National Guard
6 Bureau shall establish the amount of reimbursement for
7 such use on a case-by-case basis.

8 (b) Amounts collected under subsection (a) shall be
9 credited to funds available for the National Guard Dis-
10 tance Learning Project and be available to defray the costs
11 associated with the use of equipment of the project under
12 that subsection. Such funds shall be available for such
13 purposes without fiscal year limitation.

14 SEC. 8082. Using funds available by this Act or any
15 other Act, the Secretary of the Air Force, pursuant to a
16 determination under section 2690 of title 10, United
17 States Code, may implement cost-effective agreements for
18 required heating facility modernization in the
19 Kaiserslautern Military Community in the Federal Repub-
20 lic of Germany: *Provided*, That in the City of
21 Kaiserslautern such agreements will include the use of
22 United States anthracite as the base load energy for mu-
23 nicipal district heat to the United States Defense installa-
24 tions: *Provided further*, That at Landstuhl Army Regional
25 Medical Center and Ramstein Air Base, furnished heat

1 may be obtained from private, regional or municipal serv-
2 ices, if provisions are included for the consideration of
3 United States coal as an energy source.

4 SEC. 8083. Notwithstanding 31 U.S.C. 3902, during
5 the current fiscal year, interest penalties may be paid by
6 the Department of Defense from funds financing the oper-
7 ation of the military department or defense agency with
8 which the invoice or contract payment is associated.

9 SEC. 8084. None of the funds appropriated in title
10 IV of this Act may be used to procure end-items for deliv-
11 ery to military forces for operational training, operational
12 use or inventory requirements: *Provided*, That this restric-
13 tion does not apply to end-items used in development,
14 prototyping, and test activities preceding and leading to
15 acceptance for operational use: *Provided further*, That this
16 restriction does not apply to programs funded within the
17 National Foreign Intelligence Program: *Provided further*,
18 That the Secretary of Defense may waive this restriction
19 on a case-by-case basis by certifying in writing to the
20 Committees on Appropriations of the House of Represent-
21 atives and the Senate that it is in the national security
22 interest to do so.

23 SEC. 8085. Notwithstanding any other provision in
24 this Act, the total amount appropriated in this Act is here-
25 by reduced by \$800,000,000 to reflect working capital

1 fund cash balance and rate stabilization adjustments, to
2 be distributed as follows:

3 “Operation and Maintenance, Army”,
4 \$40,794,000;

5 “Operation and Maintenance, Navy”,
6 \$271,856,000;

7 “Operation and Maintenance, Marine Corps”,
8 \$5,006,000;

9 “Operation and Maintenance, Air Force”,
10 \$294,209,000;

11 “Operation and Maintenance, Defense-Wide”,
12 \$10,864,000;

13 “Operation and Maintenance, Navy Reserve”,
14 \$31,669,000;

15 “Operation and Maintenance, Marine Corps Re-
16 serve”, \$563,000;

17 “Operation and Maintenance, Air Force Re-
18 serve”, \$43,974,000;

19 “Operation and Maintenance, Army National
20 Guard”, \$15,572,000; and

21 “Operation and Maintenance, Air National
22 Guard”, \$85,493,000.

23 SEC. 8086. None of the funds made available in this
24 Act may be used to approve or license the sale of the F-
25 22 advanced tactical fighter to any foreign government.

1 SEC. 8087. (a) The Secretary of Defense may, on a
2 case-by-case basis, waive with respect to a foreign country
3 each limitation on the procurement of defense items from
4 foreign sources provided in law if the Secretary determines
5 that the application of the limitation with respect to that
6 country would invalidate cooperative programs entered
7 into between the Department of Defense and the foreign
8 country, or would invalidate reciprocal trade agreements
9 for the procurement of defense items entered into under
10 section 2531 of title 10, United States Code, and the
11 country does not discriminate against the same or similar
12 defense items produced in the United States for that coun-
13 try.

14 (b) Subsection (a) applies with respect to—

15 (1) contracts and subcontracts entered into on
16 or after the date of the enactment of this Act; and

17 (2) options for the procurement of items that
18 are exercised after such date under contracts that
19 are entered into before such date if the option prices
20 are adjusted for any reason other than the applica-
21 tion of a waiver granted under subsection (a).

22 (c) Subsection (a) does not apply to a limitation re-
23 garding construction of public vessels, ball and roller bear-
24 ings, food, and clothing or textile materials as defined by
25 section 11 (chapters 50–65) of the Harmonized Tariff

1 Schedule and products classified under headings 4010,
2 4202, 4203, 6401 through 6406, 6505, 7019, 7218
3 through 7229, 7304.41 through 7304.49, 7306.40, 7502
4 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

5 (d) Section 8093(d) of the Department of Defense
6 Appropriations Act, 2000 (Public Law 106–79; 113 Stat.
7 1253), is amended by inserting “design, manufacture, or”
8 after “obligated or expended for”.

9 SEC. 8088. Funds made available to the Civil Air Pa-
10 trol in this Act under the heading “Drug Interdiction and
11 Counter-Drug Activities, Defense” may be used for the
12 Civil Air Patrol Corporation’s counterdrug program, in-
13 cluding its demand reduction program involving youth
14 programs, as well as operational and training drug recon-
15 naissance missions for Federal, State, and local govern-
16 ment agencies; for administrative costs, including the hir-
17 ing of Civil Air Patrol Corporation employees; for travel
18 and per diem expenses of Civil Air Patrol Corporation per-
19 sonnel in support of those missions; and for equipment
20 needed for mission support or performance: *Provided*,
21 That of these funds, \$300,000 shall be made available to
22 establish and operate a distance learning program: *Pro-*
23 *vided further*, That the Department of the Air Force
24 should waive reimbursement from the Federal, State, and
25 local government agencies for the use of these funds.

1 SEC. 8089. Notwithstanding any other provision of
2 law, the TRICARE managed care support contracts in ef-
3 fect, or in final stages of acquisition as of September 30,
4 2000, may be extended for two years: *Provided*, That any
5 such extension may only take place if the Secretary of De-
6 fense determines that it is in the best interest of the Gov-
7 ernment: *Provided further*, That any contract extension
8 shall be based on the price in the final best and final offer
9 for the last year of the existing contract as adjusted for
10 inflation and other factors mutually agreed to by the con-
11 tractor and the Government: *Provided further*, That not-
12 withstanding any other provision of law, all future
13 TRICARE managed care support contracts replacing con-
14 tracts in effect, or in the final stages of acquisition as of
15 September 30, 2000, may include a base contract period
16 for transition and up to seven 1-year option periods.

17 SEC. 8090. None of the funds in this Act may be
18 used to compensate an employee of the Department of De-
19 fense who initiates a new start program without notifica-
20 tion to the Office of the Secretary of Defense, the Office
21 of Management and Budget, and the congressional de-
22 fense committees, as required by Department of Defense
23 financial management regulations.

24 SEC. 8091. TRAINING AND OTHER PROGRAMS. (a)
25 PROHIBITION.—None of the funds made available by this

1 Act may be used to support any training program involv-
2 ing a unit of the security forces of a foreign country if
3 the Secretary of Defense has received credible information
4 from the Department of State that the unit has committed
5 a gross violation of human rights, unless all necessary cor-
6 rective steps have been taken.

7 (b) MONITORING.—The Secretary of Defense, in con-
8 sultation with the Secretary of State, shall ensure that
9 prior to a decision to conduct any training program re-
10 ferred to in subsection (a), full consideration is given to
11 all credible information available to the Department of
12 State relating to human rights violations by foreign secu-
13 rity forces.

14 (c) WAIVER.—The Secretary of Defense, after con-
15 sultation with the Secretary of State, may waive the prohi-
16 bition in subsection (a) if he determines that such waiver
17 is required by extraordinary circumstances.

18 (d) REPORT.—Not more than 15 days after the exer-
19 cise of any waiver under subsection (c), the Secretary of
20 Defense shall submit a report to the congressional defense
21 committees describing the extraordinary circumstances,
22 the purpose and duration of the training program, the
23 United States forces and the foreign security forces
24 involved in the training program, and the information

1 relating to human rights violations that necessitates the
2 waiver.

3 SEC. 8092. Notwithstanding any other provision in
4 this Act, the total amount appropriated in this Act is here-
5 by reduced by \$537,600,000 to reflect savings from favor-
6 able foreign currency fluctuations, to be distributed as fol-
7 lows:

8 “Military Personnel, Army”, \$114,600,000;

9 “Military Personnel, Navy”, \$36,900,000;

10 “Military Personnel, Marine Corps”,
11 \$9,700,000;

12 “Military Personnel, Air Force”, \$83,600,000;

13 “Operation and Maintenance, Army”,
14 \$177,500,000;

15 “Operation and Maintenance, Navy”,
16 \$31,600,000;

17 “Operation and Maintenance, Marine Corps”,
18 \$1,600,000;

19 “Operation and Maintenance, Air Force”,
20 \$53,500,000;

21 “Operation and Maintenance, Defense-Wide”,
22 \$15,300,000; and

23 “Defense Health Program”, \$13,300,000.

24 SEC. 8093. None of the funds appropriated or made
25 available in this Act to the Department of the Navy shall

1 be used to develop, lease or procure the ADC(X) class of
2 ships unless the main propulsion diesel engines and
3 propulsors are manufactured in the United States by a
4 domestically operated entity: *Provided*, That the Secretary
5 of Defense may waive this restriction on a case-by-case
6 basis by certifying in writing to the Committees on Appro-
7 priations of the House of Representatives and the Senate
8 that adequate domestic supplies are not available to meet
9 Department of Defense requirements on a timely basis
10 and that such an acquisition must be made in order to
11 acquire capability for national security purposes or there
12 exists a significant cost or quality difference.

13 SEC. 8094. Of the funds made available in this Act,
14 not less than \$65,200,000 shall be available to maintain
15 an attrition reserve force of 23 B-52 aircraft, of which
16 \$3,200,000 shall be available from “Military Personnel,
17 Air Force”, \$36,900,000 shall be available from “Oper-
18 ation and Maintenance, Air Force”, and \$25,100,000
19 shall be available from “Aircraft Procurement, Air Force”:
20 *Provided*, That the Secretary of the Air Force shall main-
21 tain a total force of 94 B-52 aircraft, including 23 attri-
22 tion reserve aircraft, during fiscal year 2001: *Provided fur-*
23 *ther*, That the Secretary of Defense shall include in the
24 Air Force budget request for fiscal year 2002 amounts
25 sufficient to maintain a B-52 force totaling 94 aircraft.

1 SEC. 8095. None of the funds appropriated or other-
2 wise made available by this or other Department of De-
3 fense Appropriations Acts may be obligated or expended
4 for the purpose of performing repairs or maintenance to
5 military family housing units of the Department of De-
6 fense, including areas in such military family housing
7 units that may be used for the purpose of conducting offi-
8 cial Department of Defense business.

9 SEC. 8096. Notwithstanding any other provision of
10 law, funds appropriated in this Act under the heading
11 “Research, Development, Test and Evaluation, Defense-
12 Wide” for any advanced concept technology demonstration
13 project may only be obligated 30 days after a report, in-
14 cluding a description of the project and its estimated an-
15 nual and total cost, has been provided in writing to the
16 congressional defense committees: *Provided*, That the Sec-
17 retary of Defense may waive this restriction on a case-
18 by-case basis by certifying to the congressional defense
19 committees that it is in the national interest to do so.

20 SEC. 8097. Notwithstanding any other provision of
21 law, for the purpose of establishing all Department of De-
22 fense policies governing the provision of care provided by
23 and financed under the military health care system’s case
24 management program under 10 U.S.C. 1079(a)(17), the
25 term “custodial care” shall be defined as care designed

1 essentially to assist an individual in meeting the activities
2 of daily living and which does not require the supervision
3 of trained medical, nursing, paramedical or other specially
4 trained individuals: *Provided*, That the case management
5 program shall provide that members and retired members
6 of the military services, and their dependents and sur-
7 vivors, have access to all medically necessary health care
8 through the health care delivery system of the military
9 services regardless of the health care status of the person
10 seeking the health care: *Provided further*, That the case
11 management program shall be the primary obligor for pay-
12 ment of medically necessary services and shall not be con-
13 sidered as secondarily liable to title XIX of the Social Se-
14 curity Act, other welfare programs or charity based care.

15 SEC. 8098. During the current fiscal year—

16 (1) refunds attributable to the use of the Government
17 travel card and refunds attributable to official Government
18 travel arranged by Government Contracted Travel Man-
19 agement Centers may be credited to operation and mainte-
20 nance accounts of the Department of Defense which are
21 current when the refunds are received; and

22 (2) refunds attributable to the use of the Government
23 Purchase Card by military personnel and civilian employ-
24 ees of the Department of Defense may be credited to ac-
25 counts of the Department of Defense that are current

1 when the refunds are received and that are available for
2 the same purposes as the accounts originally charged.

3 SEC. 8099. (a) REGISTERING INFORMATION TECH-
4 NOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OF-
5 FICER.—None of the funds appropriated in this Act may
6 be used for a mission critical or mission essential informa-
7 tion technology system (including a system funded by the
8 defense working capital fund) that is not registered with
9 the Chief Information Officer of the Department of De-
10 fense. A system shall be considered to be registered with
11 that officer upon the furnishing to that officer of notice
12 of the system, together with such information concerning
13 the system as the Secretary of Defense may prescribe. An
14 information technology system shall be considered a mis-
15 sion critical or mission essential information technology
16 system as defined by the Secretary of Defense.

17 (b) CERTIFICATIONS AS TO COMPLIANCE WITH
18 CLINGER-COHEN ACT.—(1) During the current fiscal
19 year, a major automated information system may not re-
20 ceive Milestone I approval, Milestone II approval, or Mile-
21 stone III approval within the Department of Defense until
22 the Chief Information Officer certifies, with respect to
23 that milestone, that the system is being developed in ac-
24 cordance with the Clinger-Cohen Act of 1996 (40 U.S.C.
25 1401 et seq.). The Chief Information Officer may require

1 additional certifications, as appropriate, with respect to
2 any such system.

3 (2) The Chief Information Officer shall provide the
4 congressional defense committees timely notification of
5 certifications under paragraph (1). Each such notification
6 shall include, at a minimum, the funding baseline and
7 milestone schedule for each system covered by such a cer-
8 tification and confirmation that the following steps have
9 been taken with respect to the system:

10 (A) Business process reengineering.

11 (B) An analysis of alternatives.

12 (C) An economic analysis that includes a cal-
13 culation of the return on investment.

14 (D) Performance measures.

15 (E) An information assurance strategy con-
16 sistent with the Department's Command, Control,
17 Communications, Computers, Intelligence, Surveil-
18 lance, and Reconnaissance (C4ISR) Architecture
19 Framework.

20 (c) DEFINITIONS.—For purposes of this section:

21 (1) The term “Chief Information Officer”
22 means the senior official of the Department of De-
23 fense designated by the Secretary of Defense pursu-
24 ant to section 3506 of title 44, United States Code.

1 (2) The term “information technology system”
2 has the meaning given the term “information tech-
3 nology” in section 5002 of the Clinger-Cohen Act of
4 1996 (40 U.S.C. 1401).

5 (3) The term “major automated information
6 system” has the meaning given that term in Depart-
7 ment of Defense Directive 5000.1.

8 SEC. 8100. During the current fiscal year, none of
9 the funds available to the Department of Defense may be
10 used to provide support to another department or agency
11 of the United States if such department or agency is more
12 than 90 days in arrears in making payment to the Depart-
13 ment of Defense for goods or services previously provided
14 to such department or agency on a reimbursable basis:
15 *Provided*, That this restriction shall not apply if the de-
16 partment is authorized by law to provide support to such
17 department or agency on a nonreimbursable basis, and is
18 providing the requested support pursuant to such author-
19 ity: *Provided further*, That the Secretary of Defense may
20 waive this restriction on a case-by-case basis by certifying
21 in writing to the Committees on Appropriations of the
22 House of Representatives and the Senate that it is in the
23 national security interest to do so.

24 SEC. 8101. None of the funds provided in this Act
25 may be used to transfer to any nongovernmental entity

1 ammunition held by the Department of Defense that has
2 a center-fire cartridge and a United States military no-
3 menclature designation of “armor penetrator”, “armor
4 piercing (AP)”, “armor piercing incendiary (API)”, or
5 “armor-piercing incendiary-tracer (API-T)”, except to an
6 entity performing demilitarization services for the Depart-
7 ment of Defense under a contract that requires the entity
8 to demonstrate to the satisfaction of the Department of
9 Defense that armor piercing projectiles are either: (1) ren-
10 dered incapable of reuse by the demilitarization process;
11 or (2) used to manufacture ammunition pursuant to a con-
12 tract with the Department of Defense or the manufacture
13 of ammunition for export pursuant to a License for Per-
14 manent Export of Unclassified Military Articles issued by
15 the Department of State.

16 SEC. 8102. Notwithstanding any other provision of
17 law, the Chief of the National Guard Bureau, or his des-
18 ignee, may waive payment of all or part of the consider-
19 ation that otherwise would be required under 10 U.S.C.
20 2667, in the case of a lease of personal property for a
21 period not in excess of 1 year to any organization specified
22 in 32 U.S.C. 508(d), or any other youth, social, or fra-
23 ternal non-profit organization as may be approved by the
24 Chief of the National Guard Bureau, or his designee, on
25 a case-by-case basis.

1 SEC. 8103. None of the funds appropriated by this
2 Act shall be used for the support of any nonappropriated
3 funds activity of the Department of Defense that procures
4 malt beverages and wine with nonappropriated funds for
5 resale (including such alcoholic beverages sold by the
6 drink) on a military installation located in the United
7 States unless such malt beverages and wine are procured
8 within that State, or in the case of the District of Colum-
9 bia, within the District of Columbia, in which the military
10 installation is located: *Provided*, That in a case in which
11 the military installation is located in more than one State,
12 purchases may be made in any State in which the installa-
13 tion is located: *Provided further*, That such local procure-
14 ment requirements for malt beverages and wine shall
15 apply to all alcoholic beverages only for military installa-
16 tions in States which are not contiguous with another
17 State: *Provided further*, That alcoholic beverages other
18 than wine and malt beverages, in contiguous States and
19 the District of Columbia shall be procured from the most
20 competitive source, price and other factors considered.

21 SEC. 8104. In addition to the amounts provided else-
22 where in this Act, the amount of \$5,000,000 is hereby ap-
23 propriated for “Operation and Maintenance, Defense-
24 Wide”, to be available, notwithstanding any other provi-
25 sion of law, only for a grant to the High Desert Partner-

1 ship in Academic Excellence Foundation, Inc., for the pur-
2 pose of developing, implementing, and evaluating a stand-
3 ards and performance based academic model at schools
4 administered by the Department of Defense Education
5 Activity.

6 SEC. 8105. (a) IN GENERAL.—Notwithstanding any
7 other provision of law, the Secretary of the Air Force may
8 convey at no cost to the Air Force, without consideration,
9 to Indian tribes located in the States of North Dakota,
10 South Dakota, Montana, and Minnesota relocatable mili-
11 tary housing units located at Grand Forks Air Force Base
12 and Minot Air Force Base that are excess to the needs
13 of the Air Force.

14 (b) PROCESSING OF REQUESTS.—The Secretary of
15 the Air Force shall convey, at no cost to the Air Force,
16 military housing units under subsection (a) in accordance
17 with the request for such units that are submitted to the
18 Secretary by the Operation Walking Shield Program on
19 behalf of Indian tribes located in the States of North Da-
20 kota, South Dakota, Montana, and Minnesota.

21 (c) RESOLUTION OF HOUSING UNIT CONFLICTS.—
22 The Operation Walking Shield program shall resolve any
23 conflicts among requests of Indian tribes for housing units
24 under subsection (a) before submitting requests to the
25 Secretary of the Air Force under paragraph (b).

1 (d) INDIAN TRIBE DEFINED.—In this section, the
2 term “Indian tribe” means any recognized Indian tribe in-
3 cluded on the current list published by the Secretary of
4 Interior under section 104 of the Federally Recognized In-
5 dian Tribe Act of 1994 (Public Law 103–454; 108 Stat.
6 4792; 25 U.S.C. 479a–1).

7 SEC. 8106. During the current fiscal year, the Sec-
8 retary of Defense shall fully identify any health care con-
9 tract liabilities, requests for equitable adjustment, and
10 claims for unanticipated healthcare contract costs during
11 the budget year of execution: *Provided*, That the Secretary
12 of Defense shall provide a report to the congressional de-
13 fense committees which fully details the extent of such
14 health care contract liabilities, requests for equitable ad-
15 justment and claims for unanticipated healthcare contract
16 costs not later than March 1, 2001: *Provided further*, That
17 the Secretary of Defense shall establish an equitable and
18 timely process for the adjudication of claims, and recog-
19 nize actual liabilities during the Department’s planning,
20 programming and budgeting process: *Provided further*,
21 That nothing in this section should be construed as con-
22 gressional direction to liquidate or pay any claims that
23 otherwise would not have been adjudicated in favor of the
24 claimant.

1 SEC. 8107. Funds available to the Department of De-
2 fense for the Global Positioning System during the current
3 fiscal year may be used to fund civil requirements associ-
4 ated with the satellite and ground control segments of
5 such system's modernization program.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8108. Of the amounts appropriated in this Act
8 under the heading, "Operation and Maintenance, Defense-
9 Wide", \$115,000,000 shall remain available until ex-
10 pended: *Provided*, That notwithstanding any other provi-
11 sion of law, the Secretary of Defense is authorized to
12 transfer such funds to other activities of the Federal Gov-
13 ernment.

14 SEC. 8109. Notwithstanding any other provision in
15 this Act, the total amount appropriated in this Act is here-
16 by reduced by \$463,400,000 to reflect stabilization of the
17 balance available in the "Foreign Currency Fluctuation,
18 Defense" account, to be distributed as follows:

19 "Military Personnel, Army", \$40,200,000;

20 "Military Personnel, Navy", \$70,200,000;

21 "Military Personnel, Marine Corps",
22 \$27,700,000;

23 "Military Personnel, Air Force", \$92,700,000;

24 "Operation and Maintenance, Army",
25 \$137,300,000;

1 “Operation and Maintenance, Navy”,
2 \$34,800,000;
3 “Operation and Maintenance, Marine Corps”,
4 \$4,400,000;
5 “Operation and Maintenance, Air Force”,
6 \$35,500,000;
7 “Operation and Maintenance, Defense-Wide”,
8 \$11,500,000; and
9 “Defense Health Program”, \$9,100,000.

10 SEC. 8110. None of the funds provided in title III
11 of this Act may be obligated for F–16 aircraft modifica-
12 tions until the Secretary of the Air Force submits a report
13 to the congressional defense committees detailing a plan
14 to assign, no later than the first quarter of fiscal year
15 2002, F–16 Block 40 aircraft, or later model F–16 air-
16 craft, to Air National Guard units which were deployed
17 to Operation Desert Storm.

18 SEC. 8111. (a) REPORT TO THE CONGRESSIONAL
19 DEFENSE COMMITTEES.—Not later than May 1, 2001,
20 the Secretary of Defense shall submit to the congressional
21 defense committees a report on work-related illnesses in
22 the Department of Defense workforce, including the work-
23 force of Department contractors and vendors, resulting
24 from exposure to beryllium or beryllium alloys.

1 (b) PROCEDURE, METHODOLOGY, AND TIME PERI-
2 ODS.—To the maximum extent practicable, the Secretary
3 shall use the same procedures, methodology, and time pe-
4 riods in carrying out the work required to prepare the re-
5 port under subsection (a) as those used by the Department
6 of Energy to determine work-related illnesses in the De-
7 partment of Energy workforce associated with exposure to
8 beryllium or beryllium alloys. To the extent that different
9 procedures, methodology, and time periods are used, the
10 Secretary shall explain in the report why those different
11 procedures, methodology, or time periods were used, why
12 they were appropriate, and how they differ from those
13 used by the Department of Energy.

14 (c) REPORT ELEMENTS.—The report shall include
15 the following:

16 (1) A description of the precautions used by the
17 Department of Defense and its contractors and ven-
18 dors to protect their current employees from beryl-
19 lium-related disease.

20 (2) Identification of elements of the Depart-
21 ment of Defense and of contractors and vendors to
22 the Department of Defense that use or have used
23 beryllium or beryllium alloys in production of prod-
24 ucts for the Department of Defense.

1 (3) The number of employees (or, if an actual
2 number is not available, an estimate of the number
3 of employees) employed by each of the Department
4 of Defense elements identified under paragraph (2)
5 that are or were exposed during the course of their
6 Defense-related employment to beryllium, beryllium
7 dust, or beryllium fumes.

8 (4) A characterization of the amount, fre-
9 quency, and duration of exposure for employees
10 identified under paragraph (3).

11 (5) Identification of the actual number of in-
12 stances of acute beryllium disease, chronic beryllium
13 disease, or beryllium sensitization that have been
14 documented to date among employees of the Depart-
15 ment of Defense and its contractors and vendors.

16 (6) The estimated cost if the Department of
17 Defense were to provide workers' compensation ben-
18 efits comparable to benefits provided under the Fed-
19 eral Employees Compensation Act to employees, in-
20 cluding former employees, of Government organiza-
21 tions, contractors, and vendors who have contracted
22 beryllium-related diseases.

23 (7) The Secretary's recommendations on wheth-
24 er compensation for work-related illnesses in the De-

1 partment of Defense workforce, including contrac-
2 tors and vendors, is justified or recommended.

3 (8) Legislative proposals, if any, to implement
4 the Secretary's recommendations under paragraph
5 (7).

6 SEC. 8112. Of the amounts made available in title
7 II of this Act for "Operation and Maintenance, Army",
8 \$1,900,000 shall be available only for the purpose of mak-
9 ing a grant to the San Bernardino County Airports De-
10 partment for the installation of a perimeter security fence
11 for that portion of the Barstow-Daggett Airport, Cali-
12 fornia, which is used as a heliport for the National Train-
13 ing Center, Fort Irwin, California, and for installation of
14 other security improvements at that airport.

15 SEC. 8113. The Secretary of Defense may during the
16 current fiscal year and hereafter carry out the activities
17 and exercise the authorities provided under the dem-
18 onstration program authorized by section 9148 of the De-
19 partment of Defense Appropriations Act, 1993 (Public
20 Law 102-396; 106 Stat. 1941).

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8114. Of the funds appropriated under the
23 heading "Research, Development, Test and Evaluation,
24 Army" in title IV of the Department of Defense Appro-
25 priations Act, 2000 (Public Law 106-79) for the Grizzly
26 minefield breacher program, \$15,000,000 is hereby trans-

1 ferred to “Procurement of Weapons and Tracked Combat
2 Vehicles, Army”, in title III of the Department of Defense
3 Appropriations Act, 2000, and shall be available only for
4 the Wolverine heavy assault bridge program: *Provided*,
5 That funds transferred pursuant to this section shall be
6 merged with and shall be available for the same purposes
7 and for the same time period as the appropriation to which
8 transferred: *Provided further*, That not later than 60 days
9 after the enactment of this Act, the Department of the
10 Army shall, from within funds available under the heading
11 “Procurement of Weapons and Tracked Combat Vehicles,
12 Army”, in the Department of Defense Appropriations Act,
13 2000, obligate \$97,000,000 for procurement of the Wol-
14 verine heavy assault bridge program.

15 SEC. 8115. (a)(1) None of the funds described in
16 paragraph (2) that are provided in title III of this Act
17 for the Department of the Army to procure a second bri-
18 gade set of Interim Armored Vehicles (also referred to as
19 the Family of Medium Armored Vehicles) and other equip-
20 ment to support the fielding of a second new interim bri-
21 gade combat team (hereinafter in this section referred to
22 as a “medium brigade”) may be obligated or expended
23 until the Secretary of Defense submits to the congres-
24 sional defense committees, after February 1, 2001, a cer-
25 tification of the following:

1 (A) That the fiscal year 2002 budget of the De-
2 partment of Defense submitted as part of the budget
3 of the President for fiscal year 2002 (including any
4 amendment or supplement to such budget) fully
5 funds the fiscal year 2002 procurement costs, devel-
6 opment costs, and initial year operation and mainte-
7 nance costs associated with the procurement and
8 fielding of two additional new medium brigades (in
9 addition to those for which funds are provided in
10 this Act and previous appropriations Acts).

11 (B) That the Future Years Defense Plan
12 (FYDP) current at the time of such budget submis-
13 sion includes amounts to fully fund the procurement
14 costs, the development costs, and the operation and
15 maintenance costs associated with the procurement
16 and fielding of at least two additional medium bri-
17 gades per fiscal year covered by that Future Years
18 Defense Plan.

19 (C) That the Director of Operational Test and
20 Evaluation of the Department of Defense has ap-
21 proved the Test and Evaluation Master Plan for the
22 Interim Armored Vehicle.

23 (2) The funding provided in title III of this Act to
24 support the fielding of a second new medium brigade that
25 is subject to the limitation in paragraph (1) is the amount

1 of \$600,000,000 provided under the heading, “Procure-
2 ment of Weapons and Tracked Combat Vehicles, Army”,
3 and the amount of \$200,000,000 provided under the head-
4 ing “Other Procurement, Army”, for procurement of
5 equipment for a second medium brigade, as set forth in
6 the report of the Committee on Appropriations of the
7 House of Representatives accompanying the Department
8 of Defense Appropriations Act for fiscal year 2001.

9 (b) Not later than 90 days after the date of the
10 source selection for the Interim Armored Vehicle program
11 (also referred to as the Family of Medium Armored Vehi-
12 cles program), the Secretary of the Army shall submit to
13 the congressional defense committees a detailed report on
14 that program. The report shall include the following:

15 (1) The required research and development cost
16 for each variant of the Interim Armored Vehicle to
17 be procured and the total research and development
18 cost for the program.

19 (2) The major milestones for the development
20 program for the Interim Armored Vehicle program.

21 (3) The production unit cost of each variant of
22 the Interim Armored Vehicle to be procured.

23 (4) The total procurement cost of the Interim
24 Armored Vehicle program.

1 (c) The Chairman of the Joint Chiefs of Staff shall
2 submit to the congressional defense committees a report
3 (in both classified and unclassified versions) on the joint
4 warfighting requirements to be met by the new medium
5 brigades for the Army. The report shall describe any ad-
6 justments made to operational plans of the commanders
7 of the unified combatant commands for use of those bri-
8 gades. The report shall be submitted at the time that the
9 President's budget for fiscal year 2002 is transmitted to
10 Congress.

11 (d) In this section, any reference to the budget of
12 the President for fiscal year 2002 refers to a budget trans-
13 mitted to Congress under section 1105 of title 31, United
14 States Code, after January 20, 2001.

15 SEC. 8116. None of the funds made available in this
16 Act or the Department of Defense Appropriations Act,
17 2000 (Public Law 106–79) may be used to award a full
18 funding contract for low-rate initial production for the F–
19 22 aircraft program until—

20 (1) the first flight of an F–22 aircraft incor-
21 porating Block 3.0 software has been conducted;

22 (2) the Secretary of Defense certifies to the
23 congressional defense committees that all Defense
24 Acquisition Board exit criteria for the award of low-

1 rate initial production of the aircraft have been met;
2 and

3 (3) upon completion of the requirements under
4 (1) and (2) above, the Director of Operational Test
5 and Evaluation submits to the congressional defense
6 committees a report assessing the adequacy of test-
7 ing to date to measure and predict performance of
8 F-22 avionics systems, stealth characteristics, and
9 weapons delivery systems.

10 SEC. 8117. (a) The total amount expended by the De-
11 partment of Defense for the F-22 aircraft program (over
12 all fiscal years of the life of the program) for engineering
13 and manufacturing development and for production may
14 not exceed \$58,028,200,000. The amount provided in the
15 preceding sentence shall be adjusted by the Secretary of
16 the Air Force in the manner provided in section 217(c)
17 of Public Law 105-85 (111 Stat. 1660). This section su-
18 persedes any limitation previously provided by law on the
19 amount that may be obligated or expended for engineering
20 and manufacturing development under the F-22 aircraft
21 program and any limitation previously provided by law on
22 the amount that may be obligated or expended for the F-
23 22 production program.

24 (b) The provisions of subsection (a) apply during the
25 current fiscal year and subsequent fiscal years.

1 SEC. 8118. JOINT STRIKE FIGHTER PROGRAM.—(a)
2 REPORTS.—(1) Not later than 60 days after the date of
3 the enactment of this Act, the Secretary of Defense shall
4 submit to the congressional defense committees a report
5 on the Joint Strike Fighter (JSF) aircraft program. The
6 report shall include a detailed description of any change
7 or modification to that program made since the submis-
8 sion of the President’s budget for fiscal year 2001, includ-
9 ing any such change or modification initiated by the De-
10 partment of Defense and any such change or modification
11 resulting from congressional action on the fiscal year 2001
12 budget for the Department of Defense. The report shall
13 also include the following:

14 (A) The acquisition strategy for the Joint
15 Strike Fighter program, including the estimated
16 total program costs for development and for produc-
17 tion, the program development schedule, and the
18 planned production profile.

19 (B) If applicable, the effect of any revisions to
20 that acquisition strategy on the average unit cost of
21 the Joint Strike Fighter aircraft when compared to
22 the original acquisition strategy for that program.

23 (C) Results derived to date from the concept
24 demonstration/validation phase of the program, in-

1 including available data from flight tests of dem-
2 onstration aircraft.

3 (D) An assessment of the degree to which the
4 concept demonstration/validation phase has ad-
5 dressed key aircraft and aircraft subsystem perform-
6 ance parameters before a source selection decision is
7 made and the engineering and manufacturing devel-
8 opment (EMD) phase of the program is begun.

9 (E) The strategy of the Department for inser-
10 tion of technology into the Joint Strike Fighter air-
11 craft, including details regarding when critical sub-
12 systems to be incorporated on the aircraft are to be
13 demonstrated in a prototype configuration (either
14 before or in the early stages of Engineering and
15 Manufacturing Development).

16 (2) Not later than March 30, 2001 (and not earlier
17 than February 1, 2001), the Secretary of Defense shall
18 submit to the congressional defense committees a second
19 report on the acquisition plan for the Joint Strike Fighter
20 aircraft program. That report shall address each of the
21 matters specified in paragraph (1) as of the time of that
22 report, as well as any additional changes to that acquisi-
23 tion plan that have been made as a consequence of the
24 fiscal year 2002 Department of Defense budget (as sub-
25 mitted as part of the budget of the President for fiscal

1 year 2002 transmitted under section 1105 of title 31,
2 United States Code, after January 20, 2001) and the ac-
3 companying Future Years Defense Plan (as well as any
4 amendment to the Department of Defense budget sub-
5 mitted before the submission of the report).

6 (b) ENGINEERING AND MANUFACTURING DEVELOP-
7 MENT.—Consistent with funds provided in title IV of this
8 Act, none of the funds provided in this Act may be used
9 to award a contract for engineering and manufacturing
10 development (EMD) of the Joint Strike Fighter aircraft
11 program—

12 (1) before the later of—

13 (A) June 1, 2000; and

14 (B) the date of the submission of each of
15 the reports required by subsection (a); and

16 (2) until the Secretary of Defense certifies to
17 the congressional defense committees that the Joint
18 Strike Fighter engineering and manufacturing devel-
19 opment program is fully funded in the Future-Years
20 Defense Plan for each of the principal Department
21 of Defense participants in the Joint Strike Fighter
22 program.

23 This Act may be cited as the “Department of Defense
24 Appropriations Act, 2001”.

Union Calendar No. 354

106TH CONGRESS
2D SESSION

H. R. 4576

[Report No. 106-644]

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

JUNE 1, 2000

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed